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The President

PROCLAMATION 2604

THOMAS ALVA EDISON DAY, 1944

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA
A PROCLAMATION

WHEREAS Thomas Alva Edison immeasurably enriched our way of living by the products of his incomparable genius;

WHEREAS we are proud to include the name of this modest inventor in the long roll of American benefactors of the human race; and

WHEREAS the President of the United States is authorized and requested by a joint resolution approved February 9, 1944, to issue a proclamation designating February 11, 1944, as Thomas Alva Edison Day;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby designate February 11, 1944, as Thomas Alva Edison Day; I call upon officials of the Government to display the flag of the United States on all Government buildings on that day; and I invite the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this 9th day of February, in the year of our Lord nineteen hundred and [SEAL] forty-four, and of the independence of the United States of America the one hundred and sixty-eighth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,

Secretary of State.

[F. R. Doc. 44-2081; Filed, February 11, 1944; 12:26 p. m.]

Regulations

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5072]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BROOKS APPLIANCE COMPANY, ET AL.¹

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondents' device designated as "Brooks Rupture Appliance" and as "Brooks Automatic Air Cushion" or the device designated as "Natural Uterine Supporter" disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's said devices which advertisements represent, directly or through inference (1) that the device designated as Brooks Rupture Appliance and as Brooks Automatic Air Cushion constitutes a competent remedy or cure for hernia; (2) that its use by one suffering from hernia will assure the cessation of all discomfort and worry occasioned by such ailment; (3) that its use in cases of hernia will enable the wearer to comfortably resume and fully enjoy the activities of a normal life, including hard work and strenuous play; (4) that its use in every case of reducible hernia will hold the hernia securely and comfortably in place at all times; (5) that said device adjusts itself to every bodily movement; (6) that the use of said device can be depended upon to assist nature in healing hernia to the extent that the need of a truss or other support will be eliminated; (7) that its use will eliminate the possibility of a strangulated hernia; (8) that the air cushion attachment incorporated in said device is fully automatic

¹ See F. R. Doc. 44-2017, *infra*.

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NOTICE

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and clings to any spot to which it is adjusted, and will not slip; and (9) that the use of the device designated as Natural Uterine Supporter constitutes a competent and effective treatment for uterine displacements, and will relieve or cure ailments or diseases caused by displacements of the womb; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Brooks Appliance Company, et al., Docket 5072, January 27, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of January, A. D. 1944.

In the Matter of Brooks Appliance Company, a Corporation; Harold C. Brooks and Craig W. Brooks, Individually and as Officers of Brooks Appliance Company; and Fogarty-Jordan-Phelps Company, a Corporation

This proceeding having been heard by the Federal Trade Commission upon the amended complaint of the Commission and a stipulation as to the facts entered into between the respondents herein and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding; and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Brooks Appliance Company, a corporation; Harold C. Brooks and Craig W. Brooks, individually and as officers of Brooks Appliance Company; and Fogarty-Jordan-Phelps Company, a corporation, and their officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of the device designated as Brooks Rupture Appliance and as Brooks Automatic Air Cushion or the device designated as Natural Uterine Supporter, or any other device of substantially similar construction and performing substantially similar functions, whether sold under the same names or under any other names, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference:

a. That the device designated as Brooks Rupture Appliance and as Brooks Automatic Air Cushion constitutes a competent remedy or cure for hernia;

b. That its use by one suffering from hernia will assure the cessation of all discomfort and worry occasioned by such ailment;

c. That its use in cases of hernia will enable the wearer to comfortably resume and fully enjoy the activities of a normal life, including hard work and strenuous play;

d. That its use in every case of reducible hernia will hold the hernia securely and comfortably in place at all times;

e. That said device adjusts itself to every bodily movement;

f. That the use of said device can be depended upon to assist nature in healing hernia to the extent that the need of a truss or other support will be eliminated;

g. That its use will eliminate the possibility of a strangulated hernia;

h. That the air cushion attachment incorporated in said device is fully automatic and clings to any spot to which it is adjusted, and will not slip;

i. That the use of the device designated as Natural Uterine Supporter constitutes a competent and effective treatment for uterine displacements, and will relieve or cure ailments or diseases caused by displacements of the womb.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of the said devices, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, set-

ting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-2016; Filed, February 10, 1944;
4:17 p.m.]

[Docket No. 5072]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

BROOKS APPLIANCE COMPANY, ET AL.¹

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product.* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondents' device designated as "Brooks Rupture Appliance" and as "Brooks Automatic Air Cushion" or the device designated as "Natural Uterine Supporter" disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondents' said devices which advertisements represent, directly or through inference (1) that the device designated as Brooks Rupture Appliance and as Brooks Automatic Air Cushion constitutes a competent remedy or cure for hernia; (2) that its use by all persons suffering from hernia will assure the cessation of all discomfort and worry occasioned by such ailment; (3) that its use in all cases of hernia will enable the wearer to comfortably resume and fully enjoy the activities of a normal life, including hard work and strenuous play; (4) that its use in every case of reducible hernia will hold the hernia securely and comfortably in place at all times; (5) that said device adjusts itself to every bodily movement; (6) that the use of said device can be depended upon in most cases to assist nature in healing hernia to the extent that the need of a truss or other support will be eliminated; (7) that its use will eliminate the possibility of a strangulated hernia; (8) that the air cushion attachment incorporated in said device is fully automatic and clings to any spot to which it is adjusted, and will not slip; and (9) that the use of the device designated as "Natural Uterine Supporter" constitutes a competent and effective treatment for uterine displacements, and will relieve or cure ailments or diseases caused by displacements of the womb; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b). [Modified cease and desist order, Brooks Appliance Company, et al., Docket 5072, February 7, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of February, A. D. 1944.

¹ See F.R. Doc. 44-2016, *supra*.

In the Matter of Brooks Appliance Company, a Corporation; Harold C. Brooks and Craig W. Brooks, Individually and as Officers of Brooks Appliance Company; and Fogarty-Jordan-Phelps Company, a Corporation

This matter coming on to be considered by the Commission upon the request of the respondents, dated February 3, 1944, for modification of the order to cease and desist issued in this proceeding on January 27, 1944, and the Commission having duly considered said request and the record herein, and being now fully advised in the premises;

It is ordered, That the order to cease and desist issued in this proceeding on January 27, 1944, be, and the same hereby is, modified as to read as follows:

This proceeding having been heard by the Federal Trade Commission upon the amended complaint of the Commission and a stipulation as to the facts entered into between the respondents herein and Richard P. Whiteley, Assistant Chief Counsel, for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding; and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents Brooks Appliance Company, a corporation; Harold C. Brooks and Craig W. Brooks, individually and as officers of Brooks Appliance Company; and Fogarty-Jordan-Phelps Company, a corporation, and their officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of the device designated as Brooks Rupture Appliance and as Brooks Automatic Air Cushion or the device designated as Natural Uterine Supporter, or any other device of substantially similar construction and performing substantially similar functions, whether sold under the same names or under any other names, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference:

a. That the device designated as Brooks Rupture Appliance and as Brooks Automatic Air Cushion constitutes a competent remedy or cure for hernia;

b. That its use by all persons suffering from hernia will assure the cessation of all discomfort and worry occasioned by such ailment;

c. That its use in all cases of hernia will enable the wearer to comfortably resume and fully enjoy the activities of a normal life, including hard work and strenuous play;

d. That its use in every case of reducible hernia will hold the hernia securely and comfortably in place at all times;

e. That said device adjusts itself to every bodily movement;

f. That the use of said device can be depended upon in most cases to assist nature in healing hernia to the extent that the need of a truss or other support will be eliminated;

g. That its use will eliminate the possibility of a strangulated hernia;

h. That the air cushion attachment incorporated in said device is fully automatic and clings to any spot to which it is adjusted, and will not slip;

i. That the use of the device designated as Natural Uterine Supporter constitutes a competent and effective treatment for uterine displacements, and will relieve or cure ailments or diseases caused by displacements of the womb.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of the said devices, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondents shall, within sixty (60) days after the service upon them of this modified order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-2017; Filed, February 10, 1944;
4:17 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 8024, 7 F.R. 323; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3665, 3636; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 3290—TEXTILE, CLOTHING AND
LEATHER

[Conservation Order M-323, as Amended Jan. 1, 1944, Amdt. 1]

PROVISIONS APPLICABLE TO TEXTILE, CLOTHING, LEATHER AND RELATED PRODUCTS

Paragraph (f) (4) of § 3290.118 hereby is amended by adding at the end of said paragraph (f) (4) the following:

An appeal for suspension of a direction under paragraph (c) may be made on the ground that compliance with the direction will result in production at a loss: *Provided*, That an application for price relief on that ground is first filed with the Secretary of the Office of Price Administration, Washington, D. C., and a copy is filed with the WPB appeal. If the WPB appeal is granted, requirements of a direction for increases above current production will be suspended until the decision by the Office of Price Administration upon the application for price relief. This paragraph does not indicate or limit the extent or kind of

price relief, if any, which may be granted by the Office of Price Administration.

Issued this 10th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2020; Filed, February 10, 1944;
4:26 p. m.]

PART 933—COPPER

[Copper Order M-9 as Amended Feb. 11, 1944]

§ 933.1 *Copper Order M-9*—(a) *Purpose*. The primary purpose of this order is to govern the acceptance of delivery (whether on purchase, toll agree-

ment or otherwise) of specified types of copper and copper-base alloy materials (other than controlled materials), and copper-clad and copper-base alloy-clad steel scrap, all of which for convenience are called copper raw materials throughout this order. The production, delivery and acceptance of controlled materials are governed by applicable CMP and priorities regulations.

(b) *Acceptance of delivery of copper raw materials*. Except as specifically authorized in writing by the War Production Board, no person shall accept a delivery of any copper raw material other than those shown opposite his class in column B of the following table:

Class of person (A)	Copper raw materials: Acceptance of delivery authorized by this order without application to the War Production Board. (B)	Report form used to apply for specific WPB authorization to accept delivery of copper raw materials other than those shown in Column B. (C)	Other WPB report forms regarding copper raw materials and copper controlled materials. (D)
Refiner—Any person who produces refined copper. This includes any person who converts copper-clad or copper-base alloy-clad steel scrap into refined copper or other usable forms of copper.	Other unalloyed copper scrap. Other copper-base alloy scrap.	WPB-2959 ¹	WPB-3212.
Scrap Dealer—Any person regularly engaged in the business of buying and selling scrap but who does not melt such scrap.	Other unalloyed copper scrap. Other copper-base alloy scrap. Brass mill scrap.	None.....	WPB-202 or WPB-3202.
Jobber Dealer—Any person who receives physical delivery of refined copper, copper-base alloy ingot or copper or copper-base alloy shot and sells or holds the same for sale without change in form.	None.....	WPB-2959.....	None.
Brass Mill—Any person who produces brass mill products, brass mill castings or intermediate shapes.	Brass mill scrap..... Fired cartridge and artillery cases (from Government plants only).	WPB-3112..... WPB-2954.....	WPB-3203. WPB-3067. WPB-3244. ² WPB-3113. ³ WPB-3205.
Copper Wire Mill—Any person who produces copper wire mill products or intermediate shapes.	None.....	WPB-2953.....	WPB-3206.
Brass and Bronze Foundry—Any person who produces foundry copper or copper-base alloy products.	(C).....	WPB-2958.....	WPB-3109.
Ingot Maker—Any person who produces copper-base alloy ingot for delivery as such.	(C).....	WPB-2959.....	None.
Miscellaneous Producer—Any person not falling in one of the classes described above, who requires copper raw materials in his regular production operation. Examples: Chemical plants, iron foundries, aluminum foundries, electrotypers, etc.	None.....	WPB-2959.....	WPB-462 or WPB-2016.
Scrap Generator—Any person, other than a scrap dealer, who in his normal operations generates or accumulates scrap or copper-clad or copper-base alloy-clad steel scrap but who is not in the business of producing copper raw materials or copper controlled materials.	None.....	None.....	

¹ Refiners requiring copper-clad or copper-base alloy-clad steel scrap should apply by supplementary letter setting forth the copper raw material involved, the amount required, and other pertinent data such as inventory, receipts, production, consumption and shipments, on the basis of which authorization to accept delivery is requested.

² Forms WPB-3244 and WPB-3113 apply only to beryllium copper brass mill products.

³ Foundries and ingot makers may exchange copper-base alloy ingot on an equivalent copper content basis without charging such deliveries against their authorizations.

(c) *Restriction on disposal of scrap and copper-clad and copper-base alloy-clad steel scrap*. (1) No person (other than one who is in the business of producing copper raw materials or copper controlled materials) shall melt or process any scrap or copper-clad or copper-base alloy-clad steel scrap, generated in his plant through fabrication or accumulated in his operations through obsolescence, except as specifically authorized by the War Production Board, or dispose of such material in any way other than by delivery to a person authorized to accept such delivery. In no event shall any such person keep on hand more than thirty (30) days' accumulation of scrap or copper-clad or copper-base alloy-clad steel scrap unless such accumulation aggregates less than five tons.

(2) No person shall dispose of any material, the delivery of which he accepted as scrap, other than as scrap except with the specific authorization of the War Production Board in writing.

(3) Nothing herein contained shall prohibit any public utility from using in its own operations wire or cable which

has become scrap by obsolescence, provided the lengths of such wire or cable are in excess of five feet and the quantity of such material so used by such public utility in any calendar month does not exceed five tons.

(d) *Specific authorization and directions*. This order is designed to prescribe the general regulations under which deliveries of copper raw materials may be accepted. At times the provisions of this order will not fit the needs of a particular person. In any such case, the person affected may apply by letter to the Copper Division, War Production Board, for a specific authorization to cover his needs. Situations may arise which will require the War Production Board, from time to time, to issue specific authorizations or directions to a person as to the source, destination, amount or grade of copper raw materials to be delivered, acquired or used by him.

(e) *Definitions*. (1) "Copper" means unalloyed copper.

(2) "Copper-base alloy" means any alloy in the composition of which the

percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy. Copper-base alloy does not include alloyed gold produced in accordance with United States Commercial standards CS 51-35 and CS 67-38.

(3) "Scrap" means all copper or copper-base alloy materials or objects (except those containing 0.10% or more beryllium and governed by supplemental order M-160a) which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescence, failure or other reason. This does not include fired cartridge and artillery cases or copper-clad or copper-base alloy-clad steel scrap.

(4) "Copper wire mill product" means bare, insulated or armored wire and cable for electrical conduction made from copper, copper-base alloy, or copper-clad steel containing over 20% copper by weight.

(5) "Brass mill product" means sheet, rod, wire or tube made from copper or copper-base alloy. This does not include copper wire mill products.

(6) "Foundry copper or copper-base alloy product" means cast copper or copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding or forging. (The process of casting includes the removal of gates, risers and sprues and sand-blasting, tumbling or dipping, but does not include any further machining or processing.)

(7) "Copper raw materials" as used in this order, includes the following materials as defined:

(i) "Refined copper"—Copper metal which has been refined by any process of electrolysis or fire refining to a grade and in a form suitable for fabrication, such as cathodes, wire bars, ingot bars, ingots, cakes, billets, wedge bars, or other refined shapes. This does not include copper-base alloy ingot, brass mill castings, intermediate shapes or controlled materials.

(ii) "Brass mill scrap"—Scrap which is the waste or by-product of industrial fabrication or production of brass mill products or copper wire mill products. This does not include material which has been reclaimed from use or which is unsuitable for brass mill use because of contamination.

(iii) "Other copper-base alloy scrap"—Copper-base alloy scrap other than brass mill scrap. This includes spent bullets but does not include fired cartridge and artillery cases.

(iv) "Other unalloyed copper scrap"—Unalloyed copper scrap other than brass mill scrap.

(v) "Copper-clad or copper-base alloy-clad steel scrap"—All copper-clad or copper-base alloy-clad or -coated steel materials or objects in which the cladding or coating amounts to 3% or more by weight and (a) which are the waste or by-product of industrial fabrication, or (b) which have been discarded on account of obsolescence, failure or other reasons. This does not include spent bullets.

(vi) "Fired cartridge and artillery cases"—Unreloadable fired cartridge cases or artillery cases which have been manufactured from brass mill products.

(vii) "Brass mill casting"—A copper-base alloy casting from which brass mill or copper wire mill products or intermediate shapes may be rolled, drawn or extruded without remelting.

(viii) "Copper-base alloy ingot"—a copper-base alloy casting used in remelting, alloying or deoxidizing operations.

(ix) "Copper or copper-base alloy shot"—shot produced from copper or copper-base alloy and to be used in remelting, alloying, deoxidizing or chemical operations.

(x) "Copper or copper-base alloy powder"—copper or copper-base alloy in the form of powder or flake, other than flake type bronze powder which is governed by Supplementary Conservation Order M-9-c-3.

(xi) "Intermediate shape"—any product which has been rolled, drawn or extruded from refined copper or brass mill castings and which will be re-rolled, re-drawn, insulated or further processed

into finished brass mill or copper wire mill products by other producers of such products.

(f) *Addressing of communications.* Except as provided by instructions accompanying application forms, all communications filed pursuant to this order or concerning the subject matter hereof should be addressed: "Copper Division, War Production Board, Washington 25, D. C."

(g) *Violations.* Any person who willfully violates any provision of this order or who willfully furnishes false information to the War Production Board in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries or from processing or using material under priority control and may be deprived of priorities assistance.

(h) *Revocations.* General Preference Order M-9-a and Supplementary Order M-9-b are hereby revoked as these orders are superseded by this order, M-9. These revocations do not affect any liabilities incurred under orders M-9-a and M-9-b.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 11th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2053; Filed, February 11, 1944;
11:36 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[General Limitation Order L-193 as Amended
Feb. 11, 1944]

CONVEYING MACHINERY AND MECHANICAL POWER TRANSMISSION EQUIPMENT

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials, and in the engineering and other facilities, used in the manufacture of conveying machinery and mechanical power transmission equipment, for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1226.52 *General Limitation Order L-193—(a) Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Conveying machinery" means any new machinery (and any important component part thereof) used for the mechanical handling of materials, including pneumatic tube delivery systems; except (i) belting, (ii) farm machinery, (iii) machinery or parts used on board ship in the operation of any vessel owned or operated by the Army, Navy, Mari-

time Commission, or War Shipping Administration, or used in the operating of aircraft, tanks, ordnance, or similar combat equipment, (iv) power and hand lift trucks, (v) cranes, hoists and platform elevators, (vi) construction mixers, pavers, graders, drag lines and power shovels, and similar construction machinery, (vii) cars and car dumpers, (viii) steel mill tables, (ix) sintering conveyors, (x) metal pig conveyors, (xi) underground mining machinery including slope conveyors, and (xii) portable conveyors as defined in Limitation Order L-287.

(3) "Mechanical power transmission equipment" means new equipment (and any important component part thereof) of the following kinds (except equipment or parts used in the operation of any vessel owned or operated by the Army, Navy, Maritime Commission, or War Shipping Administration, or used in the operation of aircraft, tanks, ordnance or similar combat equipment):

(i) Open and enclosed gearing for transmitting more than $\frac{1}{4}$ horsepower; except marine propulsion gears, gears manufactured by a person for incorporation into other machinery also produced by him, gears built into turbines, and gears used on household, manually powered, automotive, or farm machinery;

(ii) Mechanical drives and parts thereof for transmitting more than $\frac{1}{4}$ horsepower; except belting, drives manufactured by a person for incorporation into other machinery also produced by him, and drives used on household, manually powered, automotive or farm machinery.

(4) "Order" includes any arrangement for the delivery of conveying machinery or mechanical power transmission equipment, whether by purchase and sale, lease, rental or otherwise.

(5) [Deleted Oct. 26, 1943]

(6) [Deleted Oct. 26, 1943]

(7) "Manufacture" means fabrication or shop assembly of conveying machinery or mechanical power transmission equipment, or any component part thereof; but does not include the making of engineering drawings, blue prints, designs, estimates, or surveys.

(8) [Deleted Oct. 26, 1943]

(9) "Anti-friction bearings" means all types of ball, needle and roller bearings.

(b) *Restrictions on acceptance of orders.*

(1) [Deleted Oct. 26, 1943]

(2) [Deleted Oct. 26, 1943]

(3) On and after May 15, 1943 no person shall accept any order for any conveying machinery or mechanical power transmission equipment unless the order is rated AA-5 or higher. This restriction shall not apply to orders under which unused machinery or equipment is returned to the person from whom it was purchased.

(4) [Deleted Oct. 26, 1943]

(c) *Restrictions on manufacture and delivery.*

(1) [Deleted Oct. 26, 1943]

(2) Except as otherwise provided in paragraph (c) (3) hereof, on and after October 7, 1942 no person shall manufacture or deliver, and no person shall

knowingly accept the delivery of, any conveying machinery or mechanical power transmission equipment, or parts therefor unless such machinery or equipment or parts are manufactured in accordance with the restrictions on the use of materials prescribed in Schedule A hereto: *Provided, however*, That parts fabricated or processed, prior to October 7, 1942 to the point where other use is impracticable, may be used in fulfillment of any order at any time.

(3) The limitations and restrictions of paragraph (c) shall not apply:

(i) To the manufacture or delivery of any conveying machinery or mechanical power transmission equipment in the process of manufacture on October 7, 1942 in fulfillment of any order accepted by the manufacturer prior to August 1, 1942.

(ii) For ninety days following October 7, 1942, to the manufacture or delivery of any conveying machinery or mechanical power transmission equipment in the process of manufacture on October 7, 1942 in fulfillment of any order accepted by the manufacturer on or after August 1, 1942 but prior to October 7, 1942.

(iii) For ninety days following October 7, 1942 to the manufacture or delivery in fulfillment of any order for the use of the Army, Navy, Maritime Commission or War Shipping Administration, to the extent that any applicable specifications of the Army, Navy, Maritime Commission, or War Shipping Administration, require construction, design, or materials not in accordance with the provisions of this order. As used herein, the terms "Army", "Navy", "Maritime Commission" or "War Shipping Administration" shall not include any privately operated plant or shipyard financed by or controlled by any of those organizations, or operated on a cost-plus-fixed-fee basis. For the purposes of this paragraph (c) an order for machinery or equipment shall be deemed to have been in the process of manufacture on October 7, 1942 only if fabrication or assembly of a component part, in fulfillment of such order and not for inventory or stock, was begun prior to October 7, 1942.

(d) [Deleted Oct. 26, 1943]

(e) [Revoked May 10, 1943]

(f) *Miscellaneous provisions.*

(1) [Deleted Oct. 26, 1943]

(2) [Deleted Oct. 26, 1943]

(3) *Other limitation orders.* Nothing in this order shall be construed to permit any person to sell, deliver, or otherwise transfer, or any manufacturer to purchase, receive delivery of or otherwise acquire any raw materials, semi-processed parts, or finished products in contravention of the terms of any L, M, or R order, or amendments or supplements thereto, or other regulation of the War Production Board effective at the date of any such sale, delivery, or other transfer. Where the limitations imposed by any other L, M or R order are applicable to the subject matter of this order, the most restrictive limitation shall apply, unless otherwise specifically provided herein.

(4) *Violations.* Any person who willfully violates any provision of this order,

or who wilfully furnishes false information to the War Production Board in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the War Production Board.

(5) *Appeals.* Any appeal from the provisions of this order shall be made by filing, with the Field Office of the War Production Board for the District in which is located the plant or branch of the appellant to which the appeal relates, either Form WPB-1477 (formerly PD-500) or a letter in triplicate, referring to the provision appealed from and fully stating the grounds for the appeal.

(6) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Division, Washington 25, D. C. Ref.: L-193.

Issued this 11th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—RESTRICTIONS AND LIMITATIONS ON THE USE OF MATERIALS IN CONVEYING MACHINERY OR MECHANICAL POWER TRANSMISSION EQUIPMENT

(a) As used in this schedule, (1) "alloy steel" and "alloy iron" mean alloy steel and alloy iron as defined in Order M-21-a, as amended and supplemented from time to time; and (2) "line shafting" means any shaft driving two or more machines or any single length or rigidly coupled lengths of shafting supported by three or more bearings.

(b) *Conveying machinery.* The materials listed below are restricted or prohibited in the construction of conveying machinery, as prescribed below; except as the War Production Board may waive compliance with any such restriction or prohibition, upon application by the manufacturer or purchaser by letter or other communication, setting forth pertinent facts disclosing the necessity for such waiver.

(1) *Bins, bunkers, hoppers and tanks (when used as part of conveying machinery or equipment).* No metal shall be used in bins, hoppers, tanks, or bunkers having a capacity of more than 400 cubic feet level filled, except in clips, gussets, bolts, nuts, screws, lag screws, hinges, tension rods, reinforcing bars or mesh, washers, and hopper bottoms of less than 400 cubic feet capacity. No steel plate of a thickness in excess of $\frac{1}{4}$ inch shall be used in bins, tanks, or hoppers with a capacity of less than 400 cubic feet, level filled. No liner plates of steel shall be used in steel bins, steel tanks, or steel hoppers. Steel liners for wood bins or wood bunkers shall not exceed No. 10 U. S. gage in thickness.

(2) *Conveyors and elevators.* No alloy steel or alloy iron, except Hadfield manganese steel, shall be used for parts of chains (other than chains for the transmission of power), except for (i) pins and bushings in steel conveyor chains or cast sprocket chains, or (ii) chains used in the heat zone of heat treating and metallurgical furnaces.

(3) *Conveyor and elevator sprockets.* No alloy steel or alloy iron except Hadfield manganese steel shall be used in chain sprocket wheels, except for sprockets to be used in the heat zone of heat treating and metallurgical furnaces.

(4) *Conveyor structures.* (i) No metal, except for steel in clips, bearing brackets, gussets, bolts, nuts, screws, lag screws, hinges, tension rods, reinforcing bars, reinforcing mesh, and washers, shall be used in the following structural parts:

(A) Supports for fixed conveyor frames, except supports for gravity, live roll and package conveyors.

(B) Fixed bulk material belt conveyor frames (including stringers).

(C) Conveyor galleries.

(D) Belt conveyor decking.

(E) Walkways, toe boards, handrails, stairways, and platforms.

(F) Guards or housing used only for protection, except those used for mechanical power transmission drives.

(G) [Deleted Jan. 21, 1944]

(H) [Deleted Jan. 21, 1944]

(I) [Deleted Jan. 21, 1944]

(ii) Trough linings for fixed conveyors shall not exceed No. 10 U. S. gage in thickness.

(iii) Steel for chutes and spouts shall not exceed $\frac{3}{16}$ inch in thickness.

(iv) No steel liner plates shall be used in steel chutes or steel spouts.

(v) Steel linings for wood chutes or wood spouts shall not exceed No. 10 U. S. gage in thickness.

(vi) No copper bearing sheets or plates shall be used.

(vii) Steel troughing belt carriers and steel return belt idler rolls shall not exceed 5 inches nominal diameter on idlers up to 42 inches; and shall not exceed 6 inches on idlers 42 inches and over; provided that this limitation shall not apply to parts used for repair or replacement purposes.

(c) *Mechanical power transmission equipment.* The materials listed below are restricted or prohibited in the construction of mechanical power transmission equipment as prescribed below; except as the War Production Board may waive compliance with any such restriction or prohibition, upon application by the manufacturer or purchaser by letter or other communication, setting forth pertinent facts disclosing the necessity for such waiver.

(1) *Anti-friction bearings.* (i) Anti-friction bearings shall not be used in hangers, pillow blocks, loose pulleys, and clutch pulleys for line shafting except for the following purposes, as certified by the purchaser:

(A) The reduction or elimination of fire hazards resulting from the combustible nature of the material being processed.

(B) Reduction or elimination of waste due to spoilage.

(C) Reduction of starting or running loads where the use of anti-friction bearings will correct an overload pertaining to the primary source of power.

(D) The repair or replacement of bearings for line shafting: *Provided, however*, That no anti-friction bearings shall be used for repair or replacement purposes for line shafting not previously equipped with such bearings.

The above mentioned certification by the purchaser shall be included in or shall accompany the purchase order, shall be signed by a duly authorized official of the purchaser, and shall be in the following form:

"The undersigned hereby certifies that the anti-friction bearings covered by order ----- (here give

order number or other pertinent description) are for the following purposes as permitted

by the provisions of Item (c) (1) of List A to Order L-193:

(here fill in the purposes for which the bearings will be used)

By _____ Company

Such certification shall be deemed a representation to the War Production Board as well as to the supplier to whom the order is tendered.

(ii) No alloy steel or alloy iron shall be used in bearing housings.

(2) *Bearings.* No alloy steel or alloy iron shall be used in base, cap or liner castings for sleeve bearings; or in bearing hangers, base plates, floor stands, or wall brackets for line shafting.

(3) *Chains.* (i) No alloy steel or alloy iron, except Hadfield manganese steel, shall be used in cast sprocket chains.

(ii) No alloy steel shall be used in semi-finished or finished roller chain, bushed drive chain, or silent chain except in those parts thereof which the manufacturer made of alloy steel prior to January 21, 1943.

(4) No alloy steel or alloy iron, except Hadfield manganese steel, shall be used in chain sprocket wheels.

(5) *Shafting appliances.* No alloy steel or alloy iron shall be used in the construction of shafting appliances in rigid couplings, collars, or pulleys and sheaves.

(6) *Gears.* No alloy steel or alloy iron shall be used in cast teeth or molded teeth gears and pinions or in gear housings.

(d) *Rust proofing.* No metallic plating or coating shall be used in the rust proofing of conveyor machinery or mechanical power transmission equipment, except that galvanizing may be used to prevent contamination of food or in the case of anchor bolts set in concrete and subject to corrosive chemical action.

[F. R. Doc. 44-2048; Filed, February 11, 1944; 11:36 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Limitation Order L-292, Quota Schedule VI as Amended Feb. 11, 1944]

PRODUCTION QUOTAS FOR FLOUR, GRAIN, FEED MILLING AND PROCESSING MACHINERY AND EQUIPMENT

§ 1226.81b *Production quotas for flour, grain, feed milling and processing machinery and equipment—(a) Purpose of this schedule.* The purpose of this schedule is to fix production quotas for certain items of flour, grain, feed milling and processing machinery and equipment for the year beginning October 1, 1943, and ending September 30, 1944, inclusive. The quotas for the items described in this schedule shall take the place of the quota provisions of paragraph (g) (2) (ii) of Order L-292 with respect to those items.

(b) *Definitions.* (1) "Base period use" means the annual average tonnage of controlled materials used to complete items of flour, grain, feed milling and processing machinery and equipment during the years 1939, 1940 and 1941.

(2) "Controlled material" means controlled material as defined in CMP Regulation 1.

(c) *Production quotas.* During the year beginning October 1, 1943, and end-

ing September 30, 1944, no manufacturer shall use more controlled materials to fabricate or assemble flour, grain, feed milling and processing machinery and equipment in any class than the quota percentage of his base period use for each class of machinery and equipment as set forth in the table below.

PRODUCTION QUOTAS

The first column describes each class of machinery covered by this schedule.

The second column describes the various types of machinery and equipment included in each class of machinery.

The third column assigns a code number to each type of machinery and equipment.

The fourth column shows the quota percentage that each manufacturer is allowed.

Class of Machinery	Type of machine	Machine code No.	Quota percentage
General conditioning—Con.	Steamer	202.005	60
	Steamer (302)	202.005	
	Sulphur Toner (302)	202.005	
	Tanks (Metal)	202.005	
	Tanks (Wood)	202.005	
	Tempering Device (auto)	202.071A	
	Tempering Device (manual)	202.071B	
	Tempering Device (auto)	202.071C	
	Vacuum Pans	202.073	
	Corn Germ Squeezers	202.019	
Filter and Press	Corn Oil Filter Press	202.020	60
	Hydraulic Press	202.023	
All other	Oil expellers and presses	202.047	60
	Presses	202.051	
General reduction	André Mills	202.002	100
	Burr Mills	202.011	
	Corn Crushers	202.017	
	Corn Cutters	202.018	
	Degummers	202.021	
	Flaking Roll Mills	202.034	
	Corn Roll (Cracker)	202.035	
	Grinding Stone Mill	202.037	
	Roller Mill	202.037	
	Sugar Clipper	202.037	
Grinders	Attrition Mill	202.041	100
	Hammers & Pulverizers	202.049	
Mixing and feeding	Blenders	202.057	60
	Feeders (Chemical)	202.059	
	Feeders (Percentage)	202.059	
	Feeders (Roll)	202.059	
	Feeders (Batch)	202.059	
	Mixers	202.059	
	Mixers (Mechanical)	202.059	
	Roller Machine	202.059	
	Rolling Machine	202.059	
	Batch Mixer	202.059	
Sifting and screening	Bolting Reels	202.062	100
	Bolting Sifters	202.062	
	Brans and Shirts Driers	202.010	
	Germ Washing Reels	202.063	
	Purifiers (regular)	202.063	
	Purifiers (granular)	202.063	
	Scalpings	202.063	
	Separating & Washing Reels	202.063	
	Centrifugals	202.012	
	Centrifuges	202.013	
Cleaning and grading	Aspirators	202.063	100
	Corn Shellers	202.021	
	Dust Collector (cylindrical)	202.023	
	Dust Collector (tubular)	202.027	
	Germ separators	202.057	
	Huller (rice & oats)	202.042	
	Pearlers (rice)	202.013	
	Pollisher (rice)	202.049	
	Sourer (air type)	202.050A	
	Sourer (friction type)	202.050B	
General conditioning	Separator or Grader	202.051A	60
	Separator—magnetic	202.051B	
	Separator—gravity	202.051C	
	Wheat Washers	202.074	
	Entolators	202.075	
	Tipple—Tipple House	202.072	
	Acidifier	202.001	
	Bleaching Gas Control	202.003	
	Converters	202.014	
	Cookers	202.016	
General conditioning	Cookers and Preheaters	202.016	60
	Corn Steeps or Tanks	202.022	
	Crystallizing Equipment	202.023	
	Driers and Coolers	202.025	
	Furnaces	202.035	
	Heat Exchanger	202.041	
	Neutralizers	202.045	
	Revolving Heat Chambers	202.045	
	Reactors and Ovens	202.049	
	Solvent Extraction Equipment	202.053	
General conditioning	Steam Germ Dryer	202.054	60
	Steam Germ Dryer	202.054	

Class of Machinery	Type of machine	Machine code No.	Quota percentage
General conditioning—Con.	Steamer	202.005	60
	Steamer (302)	202.005	
	Sulphur Toner (302)	202.005	
	Tanks (Metal)	202.005	
	Tanks (Wood)	202.005	
	Tempering Device (auto)	202.071A	
	Tempering Device (manual)	202.071B	
	Tempering Device (auto)	202.071C	
	Vacuum Pans	202.073	
	Corn Germ Squeezers	202.019	
Filter and Press	Corn Oil Filter Press	202.020	60
	Hydraulic Press	202.023	
All other	Oil expellers and presses	202.047	60
	Presses	202.051	

(d) *Exceptions.* The quota provisions of paragraph (c) above do not restrict the fabrication or assembly of flour, grain, feed milling and processing machinery and equipment to fill specific orders actually received by a manufacturer for export outside the territorial limits of the United States and Canada or for direct use by the Army, Navy, Maritime Commission or War Shipping Administration.

(e) *Increase, decrease and transfer of quotas.* The War Production Board may, by specific written directions, issued to any manufacturer or class of manufacturers, increase or decrease any quota established on this schedule and may transfer any portions of the quota between manufacturers, taking into consideration the amount of materials to be used, the need for particular items at the time required, the labor and transportation situation in the manufacturing areas involved, the inability of any manufacturer to manufacture his quota, and such other factors as may be relevant.

(f) *Applicability of Limitation Order L-292.* Except as otherwise indicated herein, this schedule is subject to all applicable provisions of Limitation Order L-292, as amended from time to time.

Issued this 11th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2049; Filed, February 11, 1944; 11:36 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Limitation Order L-292, Quota Schedule VII as Amended Feb. 11, 1944]

PRODUCTION QUOTAS FOR MEAT CANNING, MEAT PACKING AND MEAT PROCESSING MACHINERY AND EQUIPMENT

§ 1226.81c *Production quotas for meat canning, meat packing and meat processing machinery and equipment—(a) Purpose of this schedule.* The purpose of this schedule is to fix production quotas for certain items of meat canning, meat packing and meat processing machinery and equipment for the year beginning October 1, 1943, and ending September 30, 1944. The quotas for the items de-

scribed in this schedule shall take the place of the quota provisions of paragraph (g) (2) (ii) of Order L-292 with respect to those items.

(b) *Definition.* "Controlled material" means controlled material as defined in CMP Regulation 1.

(c) *Production quotas.* During the year beginning October 1, 1943, and ending September 30, 1944, no manufacturer shall use, in the fabrication or assembly of meat canning, meat packing or meat processing machinery and equipment, more controlled materials than 125% of the annual average gross tonnage of controlled materials used by him for this purpose during the calendar years 1939, 1940 and 1941.

(d) *Exceptions.* The quota provisions of paragraph (c) above do not restrict the fabrication or assembly of meat canning, meat packing or meat processing machinery and equipment to fill specific orders actually received by a manufacturer for export outside the territorial limits of the United States and Canada or for direct use by the Army, Navy, Maritime Commission or War Shipping Administration.

(e) *Increase, decrease and transfer of quotas.* The War Production Board may, by specific written directions issued to any manufacturer or class of manufacturers, increase or decrease the quota established on this schedule and may transfer any portions of the quota between manufacturers, taking into consideration the amount of materials to be used, the need for particular items at the time required, the labor and transportation situation in the manufacturing areas involved, the inability of any manufacturer to manufacture his quota, and such other factors as may be relevant.

(f) *Applicability of Limitation Order L-292.* Except as otherwise indicated herein, this schedule is subject to all applicable provisions of Limitation Order L-292 as amended from time to time.

Issued this 11th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2050; Filed, February 11, 1944;
11:36 a. m.]

PART 3221—RIBOFLAVIN

[General Preference Order M-299,
Revocation]

Section 3221.1 *General Preference Order M-299* is hereby revoked. This action shall not be construed to affect in any way any liability or penalty incurred under said order. Riboflavin is subject to allocation under General Allocation Order M-300 (Appendix B, Schedule 2), issued simultaneously with this revocation.

Use, delivery and acceptance of delivery of riboflavin during February, 1944, will be authorized on the basis of

applications filed in the form heretofore prescribed in Order M-299.

Issued this 11th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2054; Filed, February 11, 1944;
11:36 a. m.]

PART 3244—THIAMINE HYDROCHLORIDE

[General Preference Order M-314,
Revocation]

Section 3244.1 *General Preference Order M-314* is hereby revoked. This action shall not be construed to affect in any way any liability or penalty incurred under said order. Thiamine hydrochloride is subject to allocation under General Allocation Order M-300 (Appendix C, Schedule 3), issued simultaneously with this revocation.

Use, delivery and acceptance of delivery of thiamine hydrochloride during February, 1944, will be authorized on the basis of applications filed in the form heretofore prescribed in Order M-314.

Issued this 11th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2060; Filed, February 11, 1944;
11:37 a. m.]

PART 3245—NICOTINIC ACID

[General Preference Order M-315, Revocation]

Section 3245.1 *General Preference Order M-315* is hereby revoked. This action shall not be construed to affect in any way any liability or penalty incurred under said order. Nicotinic acid is subject to allocation under General Allocation Order M-300 (Appendix A, Schedule 1), issued simultaneously with this revocation.

Use, delivery and acceptance of delivery of nicotinic acid during February, 1944, will be authorized on the basis of applications filed in the form heretofore prescribed in Order M-315.

Issued this 11th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2061; Filed, February 11, 1944;
11:37 a. m.]

PART 3292—AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT

[Limitation Order L-331]

MOTORCYCLES

The fulfillment of requirements for the defense of the United States having created a shortage in the supply of rubber, steel and other materials used in the production of motorcycles for defense, for private account and for export, the following order is deemed necessary and

appropriate in the public interest and to promote the national defense:

§ 3292.126 *Limitation Order L-331—(a) Definitions.* For the purposes of this order:

(1) "Motorcycle" means a complete two or three wheeled automotive vehicle, powered by an air-cooled internal combustion engine, having a piston displacement of not less than thirty (30) cubic inches.

(2) "Producer" means any individual, partnership, association, corporation or other form of business enterprise engaged in the manufacture or assembly of new motorcycles.

(3) "Agency" means the Foreign Economic Administration (formerly, Office of Economic Warfare and Office of Lend-Lease Administration), the Office of Civilian Requirements or the Canadian Division of the War Production Board.

(b) *Prohibition of production of motorcycles, except when specifically authorized.* No producer shall manufacture any motorcycle except when specifically authorized in writing by the War Production Board. Such authorization shall specify the quantities and types of motorcycles to be produced, the periods of time within which the production must be completed, and the Agencies through whom distribution is to be effected.

(c) *Restrictions on delivery of motorcycles.* Motorcycles produced under authority of this order may be delivered only on orders for distribution through an Agency, and in the following manner:

(1) *Motorcycles for Foreign Economic Administration.* Motorcycles produced for distribution through the Foreign Economic Administration (i) to be exported to individuals, firms or corporations, may be delivered by the producer only when he has been supplied with an export license issued by the Foreign Economic Administration covering the order; (ii) to be exported for Lend-Lease account may be delivered by the producer only on orders for Lend-Lease account originating in the War Department or in the Procurement Division of the Treasury and which specify the country of destination.

(2) *Motorcycles for the Office of Civilian Requirements.* Motorcycles produced for distribution through the Office of Civilian Requirements of the War Production Board for public or private police usage or for other civilian usages may be delivered by the producer only upon receipt by him of authorization from the War Production Board. Such authorization shall be applied for by the producer on Form WPB 1319 and shall be filed by the producer with the Automotive Division of the War Production Board, in quadruplicate, and shall contain the following information: (i) The name, address and place of business of the producer; (ii) the name, address and business of the person to whom the producer proposes to sell the motorcycle; (iii) the number of motorcycles covered by the application, indicating the make and model; (iv) the use to

which the vehicle will be put by the purchaser; (v) the state or area where vehicle is to be used; (vi) statement of the quantity, make and type (indicating the year of manufacture) of all other motorcycles operated by the prospective purchaser as of the date of the application. If motorcycles are to be traded in, state the same information and also their mileage and condition.

(3) *Motorcycles for Canada.* Motorcycles produced for distribution to individuals, firms or corporations located in Canada, or to the Canadian Government, may be delivered by the producer only upon receipt by him of an authorization from the War Production Board. Such authorization shall be applied for by the producer on Form WPB 1319 and shall be filed by the producer with the Automotive Division of the War Production Board, in quadruplicate, and shall contain the information called for in subparagraph (2) immediately above. No authorizations under this paragraph will be issued by the War Production Board unless the application on Form WPB 1319 is accompanied by the written approval of the Deputy Motor Vehicle Controller of Canada.

(d) *Army and Navy exempted.* The terms and restrictions of this order shall not apply to any motorcycle sold to or produced under contracts or orders for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(e) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance by the War Production Board.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate with the Automotive Division of the War Production Board, Washington, D. C., referring to the particular provision appealed from and stating fully the grounds for appeal.

(g) *Applicability of War Production Board regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time except where otherwise stated.

(h) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: Automotive Division, War Production Board, Washington 25, D. C.; Ref.: Order L-331.

Issued this 11th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2051; Filed, February 11, 1944;
11:36 a. m.]

PART 3293—CHEMICALS

[Allocation Order M-371]

TRICHLOROETHYLENE AND PERCHLOROETHYLENE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of trichlorethylene and perchlorethylene for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.591 Allocation Order M-371—

(a) *What this order does.* This order provides for the allocation of trichlorethylene and perchlorethylene from all producers and distributors except distributors who sell these materials only in quantities of a drum or less per customer per month.

A customer must file certified statements of end use with his purchase orders when ordering 700 pounds or more of these materials for delivery by all suppliers in any calendar month.

Suppliers must apply on Form WPB-2947 (formerly PD-602) for authorization for use or delivery on or after March 1, 1944.

(b) *Definitions.* (1) "Trichlorethylene" means the chemical $\text{CHCl}_2=\text{CCl}_2$.

(2) "Perchlorethylene", sometimes known as tetrachlorethylene, means the chemical $\text{CCl}_2=\text{CCl}_2$.

(3) "Drum" means a container with a capacity of approximately 52 gallons.

(4) "Supplier" means any person who produces trichlorethylene or perchlorethylene or who purchases trichlorethylene or perchlorethylene for resale as such. The term "supplier" shall not include any person who resells exclusively in quantities of a drum or less per customer per month.

Requirements for Suppliers

(c) *Restrictions on delivery by suppliers.* (1) Beginning March 1, 1944, no supplier shall deliver trichlorethylene or perchlorethylene to any person except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix A.

(2) Authorization to each supplier for deliveries will be made on the following basis:

Deliveries to customers ordering 10,000 pounds or more of trichlorethylene and perchlorethylene combined during any month must be individually authorized; deliveries to customers ordering between 700-10,000 pounds per month will be authorized on the basis of end uses stated in the customers' certificates and a lump sum will be allocated to each end use for such orders without specifying individual customers' names; deliveries to customers ordering 700 pounds (one drum) or less of trichlorethylene and perchlorethylene combined will be authorized by allocating a lump sum for such small orders without specifying individual customers' names and without reference to end use.

(3) Perchlorethylene and trichlorethylene which cannot be delivered as authorized or directed shall revert to inventory subject to further allocation.

(d) *Restrictions on use by suppliers.* Beginning March 1, 1944, no supplier

shall use trichlorethylene or perchlorethylene except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix A.

(e) *Suppliers to notify customers of denial of applications.* Each supplier shall notify his customer as soon as possible of denial in whole or in part by the War Production Board of any item or items on a certified purchase order placed by the customer.

Requirements for Customers

(f) *Requirement for filing certificates with purchase orders.* Each person ordering more than 700 pounds of trichlorethylene and perchlorethylene combined for delivery in the aggregate by all suppliers during March 1944, or during any calendar month thereafter, shall furnish each supplier with a use certificate in accordance with Appendix C.

(g) *Use of allocated material.* Each person furnishing a use certificate with a purchase order shall use the trichlorethylene or perchlorethylene only as specified in the certificate, unless advised by his supplier that a particular specified use has been denied or limited by the War Production Board. However, any person not a supplier may redeliver to a supplier without restriction.

(h) *One-time customer's report.* Each person (excluding governmental departments and agencies, but including suppliers who consume any part of their own stock) shall file a report in accordance with Appendix B on or before the 20th day of the month preceding the first month in which he expects to receive or use 10,000 pounds or more of trichlorethylene and perchlorethylene combined. This report need be filed only once, and not earlier than February 20, 1943.

Other Provisions

(i) *Exemption for intermediate brokers and sales agents.* Application and specific authorization shall not be required for the participation by a broker or sales agent in either of the following cases:

(1) When trichlorethylene or perchlorethylene is ordered through the broker or sales agent and is to be delivered by the supplier directly to the purchaser and not to the broker or sales agent for redelivery to the purchaser;

(2) When trichlorethylene or perchlorethylene is sold by a supplier through an agent who is required to submit the customer's purchase orders to the supplier for approval.

In either of the above cases, the purchaser shall furnish the broker or sales agent with a purchase order and use certificate, which certificate the broker or sales agent shall transmit to the supplier. The supplier shall then apply in accordance with Appendix A as if the order had been placed directly with him.

(j) *Special directions.* The War Production Board, at its discretion, may at any time issue special directions with respect to:

(1) Use, delivery or acceptance of delivery of trichlorethylene or perchlorethylene; or

(2) Production of trichlorethylene or perchlorethylene; or

(3) Preparation and filing of forms and certificates required by Appendices A, B and C, subject to approval of the Bureau of the Budget when required by the Federal Reports Act of 1942.

(k) *Miscellaneous provisions*—(1) *Applicability of regulations*. This order and all transactions affected hereby are subject to all applicable War Production Board regulations, as amended from time to time.

(2) *Violations*. Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priority assistance.

(3) *Communications to War Production Board*. All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M-371.

NOTE: Forms WPB 2947 and 3442, together with the instructions in this order for the use of these forms and the filing of certificates, have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Issued this 11th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—INSTRUCTIONS TO SUPPLIERS FOR FILING FORM WPB-2947

Each supplier seeking authorization to use or deliver trichlorethylene or perchlorethylene shall file application on Form WPB-2947 (formerly PD-602), in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB-2947 (formerly PD-602). Copies may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be filed in time to ensure that copies will have reached the War Production Board on or before the 15th day of the month preceding the month for which authorization to use or delivery is requested.

Number of copies. Four copies shall be prepared, of which one shall be retained by the applicant and three copies (one certified) shall be sent to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M-371.

Number of sets. Separate sets of forms shall be prepared for trichlorethylene and perchlorethylene.

Heading. Under the name of material, specify trichlorethylene or perchlorethylene; under War Production Board order number specify M-371; leave grade space blank; specify pounds as unit of measure; specify proposed delivery month; and otherwise fill in as indicated.

Table I (Application to deliver). First, in Column 1 list customers ordering 10,000 pounds or more of trichlorethylene and perchlorethylene combined for delivery during the next month, in Column 1a enter each use stated in the certificate filed by each customer, and in Column 4 specify quantity ordered by each customer for each

use; second, specify in Column 1 "between 700 and 10,000 lb. orders", without specifying customers' names, in Column 1a group the end uses stated in the use certificates filed with these orders, and in Column 4 specify the aggregate quantity ordered for each use; third, specify in Column 1 "700 lb. or less orders", without specifying individual customers' names leave Column 1a blank, and in Column 4 specify the aggregate quantity ordered or expected to be ordered. Fill in the other columns as indicated.

Table I (Application to use). If the applicant supplier is seeking authorization to use any part of his own production or stock of trichlorethylene or perchlorethylene, he shall apply as if the consuming part of his organization had filed a purchase order and use certificate with the production or distribution part of his organization (the actual filing of such an order and certificate is not necessary). For example, if he wishes to use 10,000 pounds or more during the next month, he should specify his own name, his proposed use and requested quantity in Columns 1, 1a and 4; if he wishes to use between 700 and 10,000 pounds during the next month, he should not specify his own name, but opposite "between 700 and 10,000 lb. orders" in Column 1, and opposite his proposed end use in Column 1a, should include in Column 4 the quantity which he requests for the specified use; or if he wishes to use 700 pounds or less during the next month, opposite "700 lb. or less orders" in Column 1, he should include in Column 4 the quantity which he requests, leaving Column 1a blank. Fill in the other columns as indicated.

Rolling stock. Leave columns blank relating to rolling stock.

Table II. Each producer of trichlorethylene or perchlorethylene shall fill in all columns of this table as indicated. Distributors purchasing from producers for resale shall fill in Columns 8, 10, 12 and 13 and leave the other columns of this table blank. In Columns 10 and 13, suppliers shall enter only those stocks not authorized for use or delivery on the dates specified.

APPENDIX B—INSTRUCTIONS FOR FILING CUSTOMER'S ONE-TIME REPORT ON FORM WPB-3442

Each person (not including governmental departments and agencies, but including suppliers who consume any part of their own stock) shall file a report on Form WPB-3442 on or before the 20th day of the month preceding the first month in which he expects to receive or use 10,000 pounds (15 drums) or more of trichlorethylene and perchlorethylene combined. Fill in the form as indicated, subject to the following instructions for the purpose of this order:

Form WPB-3442. Copies may be obtained at local field offices of the War Production Board.

Number of copies. Two copies shall be prepared, of which one shall be retained by the person reporting and one shall be forwarded to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M-371.

Number of sets. Separate sets of forms shall be prepared for trichlorethylene and perchlorethylene.

Heading. In space (1) specify trichlorethylene or perchlorethylene; in space (2) specify pounds; in space (3) specify Order M-371; and fill in space (4), (5), (6) and (7) as indicated.

Section I. Fill in Column (a) as indicated, leaving Column (b) blank; specify "6 months ending Dec. 31, '43" in the heading of Column (c) and fill in accordingly; and leave Columns (d), (e), (f) and (g) blank.

Section II. Leave Columns (a) and (d) blank; specify "February 1, 1944" in the

heading of Column (b) and "March 1, 1944" in the heading of Column (c) and fill in accordingly. (If filing after February, 1944, specify the first day of the current month and the first day of the next month in the headings of Columns (b) and (c) respectively).

APPENDIX C—INSTRUCTIONS FOR FILING USE CERTIFICATES WITH PURCHASE ORDERS FOR 700 POUNDS (ONE DRUM) OR MORE PER MONTH FROM ALL SUPPLIERS

(1) Each person ordering more than 700 pounds (one drum) of perchlorethylene and trichlorethylene together in the aggregate from all of his suppliers for delivery during March, 1944, or during any calendar month thereafter, shall furnish with each purchase order a certificate in substantially the following form:

(Insert statement of quantities of trichlorethylene and perchlorethylene for each proposed primary product and end use, in accordance with instructions in paragraphs (3) and (4) below).

The undersigned hereby certifies to the seller and to the War Production Board that the trichlorethylene and/or perchlorethylene covered by the accompanying purchase order will be used only as specified above, and that the quantity of trichlorethylene and perchlorethylene hereby ordered, together with all other quantities of these materials ordered for delivery in the same month, does not (strike out inapplicable words) exceed 10,000 pounds.

(Name of purchaser)

By (Signature and title of duly authorized officer)

(2) Suppliers are requested to obtain certificates with respect to deliveries to be made during any calendar month not later than the 10th day of the preceding month. The above certificate need not be filed with the War Production Board. It shall be signed by an authorized official, either manually or as provided in Priorities Regulation No. 7. The standard certification of Priorities Regulation No. 7 may not be used unless a statement is added with respect to end use and whether all orders of the customer for delivery in the same month do or do not exceed 10,000 pounds.

(3) The primary product and end use description in the above certificate shall be specified as follows:

Quantity of trichlorethylene or perchlorethylene (specify separately)	Primary product	End use
.....

Primary product. Primary product should be specified as follows:

Vapor degreasing solvent.
Liquid degreasing solvent (specify whether used hot or cold).
Fire extinguisher fluid.
"Freon."
Hexachlorethane.
Solvent extractant.
Spotting and cleaning fluid.
Drugs and pharmaceuticals (specify).
Other (specify).

End use. End use should be specified to indicate the disposition of the primary product; for example, where trichlorethylene or perchlorethylene is to be used for solvent extraction, specify whether for foodstuffs, medicinals, etc., or if requested for industrial degreasing, particularize this general use, such as: degreasing airplane parts or other articles sold to or incorporated in articles sold to Armed Services; degreasing machinery and equipment used in the manufacture of articles sold to or incorporated

in articles sold to the Armed Services; degreasing civilian goods; auto servicing; etc. Where the trichlorethylene or perchlorethylene or the product made from it is to be delivered directly to the Armed Services, or for export, or on Lend-Lease, specify "Armed Services", "Export", or "Lend-Lease" as the end use, without further end use description.

Resale. If the purchase is for resale, the purchaser shall leave blank the "primary product" space and as end use shall specify "authorized resale", or, if ordering exclusively for resale on small order of 70 pounds or less, shall specify "resale in 700 lbs. or less lots per customer per month".

(4) In the event that two or more end uses are involved in a single purchase order, the amount of trichlorethylene or perchlorethylene required for each use shall be listed as a separate item. Each item shall bear an identifying number so that it will be possible for the primary supplier to advise his customers, by purchase order number and item number, as to the action taken on the application to make delivery.

(5) A written purchase order placed by any department or agency of the United States Government pursuant to the Act of March 11, 1941 (Lend-Lease Act) shall, provided such purchase order specifies the Lend-Lease contract or requisition number, constitute a use certificate for the purpose of this order.

[F. R. Doc. 44-2052; Filed, February 11, 1944; 11:36 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300]

CHEMICALS AND ALLIED PRODUCTS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of those chemicals and allied products subject to this order for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.1000 *General Allocation Order M-300*—(a) *Purpose and effect.* The purpose of this general allocation order is to provide a central framework for allocation of chemicals and allied products. Materials subject to this order are listed in Appendices A, B and C attached.

Three general systems of allocation are provided for in this order, following the outline of allocations now in general use for chemicals. Appendix A materials are allocated on customers' Form WPB-2945 (formerly PD-600) and suppliers' Form WPB-2946 (formerly PD-601). Appendix B materials are allocated on suppliers' Form WPB-2947 (formerly PD-602), on the basis of certified statements of proposed use from each customer. Appendix C materials are allocated on suppliers' Form WPB-2947 (formerly PD-602), on the basis of applications on customers' Form WPB-2945 (formerly PD-600) for large orders and certified statements of end use to the supplier from customers ordering intermediate quantities.

A separate schedule under this general order is issued for each subject material. The schedule details the information required for applications, and may contain special exemptions or additional re-

quirements modifying the terms of the general order.

The appendices in this order outline the requirements for applying for each material and show the governing schedule numbers.

The general order will be reissued from time to time with all changes to date. New or amended schedules will be issued at the same time, as far as possible. Schedules remain in effect until individually amended and will not be reissued each time the general order is reissued.

(b) *Definitions.* For the purpose of this order:

(1) "Material" means any chemical or allied product listed in Appendix A, B or C, as defined in the schedule governing that material.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(3) "Supplier" means any person who produces or imports a material or who purchases a material for resale as such.

(4) "Initial allocation date" means the date when a material first becomes subject to allocation under this order, or when it first became subject to allocation under another order prior to its transfer to this order, whichever date is earlier.

Appendix A Materials—General Requirements

(c) *Delivery, acceptance of delivery, and use.* On and after the initial allocation date, no supplier of an Appendix A material shall deliver it to any person, no person shall accept delivery of an Appendix A material from a supplier, and no person shall use an Appendix A material, except as specifically authorized in writing by the War Production Board upon application under this order.

Appendix B Materials—General Requirements

(d) *Delivery and use by suppliers.* On and after the initial allocation date, no supplier of an Appendix B material shall use or deliver it to any person, except as specifically authorized in writing by the War Production Board upon application under this order.

(e) *Certified purchase orders.* With respect to material ordered for delivery on and after the initial allocation date:

(1) Each person ordering an Appendix B material from a supplier shall furnish a certified statement of end use with his purchase order in accordance with Appendix D.

(2) Each person shall use material delivered on a certified purchase order only as certified, unless advised by his supplier that a particular specified use has been denied or limited by the War Production Board or unless otherwise specifically authorized in writing by the War Production Board. However, any person not a supplier may redeliver material to a supplier without restriction.

(3) Each supplier within a week after receipt of authorization to ship shall notify his customer of denial in whole or

in part by the War Production Board of any item or items on a certified purchase order placed by the customer.

Appendix C Materials—General Requirements

(f) *Delivery.* On and after the initial allocation date, no supplier of an Appendix C material shall deliver it to any person, except as specifically authorized in writing by the War Production Board upon application under this order.

(g) *Acceptance of delivery.* On and after the initial allocation date, no person shall accept delivery during any allocation period from all suppliers of an aggregate quantity of an Appendix C material in excess of the quantity specified in Column 3 of Appendix C, except as specifically authorized in writing by the War Production Board upon application under this order.

(h) *Use.* On and after the initial allocation date, no person shall use an Appendix C material except as follows:

(1) As specifically authorized in writing by the War Production Board upon application on Form WPB-2945 (formerly PD-600); or

(2) For the purpose and in the quantity stated in the use certificate furnished with the purchase order against which the material was delivered, unless advised by the supplier that a particular specified use has been denied or limited by the War Production Board.

(i) *Certified purchase orders.* (1) Each person ordering an aggregate quantity of an Appendix C material within the limits specified in Column 4 of Appendix C from all suppliers for delivery during any allocation period, shall furnish each supplier with a use certificate in accordance with Appendix D.

(2) Each supplier within a week after receipt of authorization to ship shall notify his customers of denial in whole or in part by the War Production Board of any item or items on their certified purchase orders.

Additional Reports and Certificates—Special Requirements

(j) *Past use and inventory report.* Periodic or one-time reports on Form WPB-3442 covering past use and inventory may be required by the applicable schedule.

(k) *Supplementary use certificates.* Persons required to file statements of use with respect to materials subject to this order may be required by the applicable schedule to obtain supplementary statements of use from their customers.

Existing Stocks on Initial Allocation Date

(l) *Suppliers' stocks.* The restrictions on delivery and use of Appendix A, B, and C materials shall apply to all stocks of each supplied on the initial allocation date. Stocks of suppliers who resell exclusively on small orders are exempted by paragraph (c) (4).

(m) *Exemption for stocks of suppliers who consume.* If a supplier customarily maintains inventories of an Appendix

A, B or C material for his own consumption separately, both physically and on his books, from his inventory of the material for sale, his stocks on the initial allocation date for his own consumption shall be subject to the provisions of the following paragraph (n) regarding consumers' stocks and not to the restrictions of paragraph (l) above regarding suppliers' stocks. Prior to the initial allocation date, no supplier shall transfer any more material to his inventory as a consumer than his rated orders for derivatives of the material compared with his rated orders for the material itself would permit under Priorities Regulation No. 1.

(n) *Consumers' stocks.* Any person not a supplier may freely use, deliver or accept delivery of any Appendix A, B or C material which he had in stock on the initial allocation date or which was in transit consigned to him prior to that date, unless otherwise expressly provided in the applicable Schedule (indicated by asterisk in Column 7 of Appendix A).

Small Order Exemption

(o) *Small order deliveries by suppliers.* A supplier may fill small orders without application or specific authorization, if he delivers not more than the small order exemption quantity specified in Appendix A, B or C to any customer in any allocation period, if he has received small order certificates when so required, and if the total amount delivered does not exceed the sum of the following:

(1) The amount which he has been specifically authorized, upon application on the applicable supplier's form (WPB-2946 or 2947) to deliver on small orders;

(2) The amount which he has received pursuant to specific authorization or certification for redelivery on small orders;

(3) The amount which he himself acquired on small orders and has not used for other purposes;

(4) The amount which he had on hand on the initial allocation date, if he sells exclusively on small orders.

(p) *Acceptance of delivery and use of small order quantities.* Any person during each allocation period may use and accept delivery of the small order exemption quantity provided in Appendices A, B and C for each material, provided that:

(1) The total accepted from all suppliers during each allocation period shall not exceed in the aggregate one small order exemption quantity;

(2) Quantities received under the small order exemption shall be used only for experimental purposes if additional quantities of the material are received during the same allocation period on specific allocation;

(3) Use of the material is subject to any special limitations on use contained in the applicable schedule (noted with a "u" in the small order exemption columns of Appendices A, B and C);

(4) Acceptance is subject to the filing of a special small order certificate when required by the applicable schedule

(noted with a "c" in the small order columns of Appendices A and C).

Territorial and Import-Export Provisions

(q) *Territorial limitations.* This order shall apply only to acts occurring within the forty-eight States and the District of Columbia, unless otherwise provided in the applicable schedule.

(r) *Imports.* Application and authorization under this order shall not be required for importation of an Appendix A, B and C material into the United States, acceptance of delivery of the material by the consignee and delivery by such consignee to, and acceptance by, any person who purchased or contracted to purchase the material prior to its importation. No person who acquires an Appendix A, B or C material under this exemption shall use it after the initial allocation date except as specifically authorized in writing by the War Production Board upon application under this order. Nothing contained in this order limits the requirements of General Imports Order M-63.

(s) *Exports.* (1) No supplier shall export or deliver for export on Appendix A, B or C material after the initial allocation date except as specifically authorized in writing by the War Production Board upon application under this order, or except to fill exempt small orders. A producer who is also an exporter shall treat the export part of his operations as a separate entity for the purpose of this order. An exporter applying on Form WPB-2945 (formerly PD-600) for allocation and to the Foreign Economic Administration for an export license for the same material subject to this order, shall file both sets of applications together with the Foreign Economic Administration.

(2) Authorized deliveries for export must be made within the authorized period, unless the exporter notifies the supplier and the War Production Board in writing that delivery must be postponed to a later specific period, in which case the limitation of duration of authorization in paragraph (t) is automatically waived, subject to any special directions from the War Production Board. After an exporter has accepted an authorized delivery for export he may export the material at any time to the destination for which allocation was made without further application or authorization under this order.

Duration of Authorizations

(t) *Duration of authorization for delivery.* If it is not practicable for a supplier to make all deliveries in the allocation period for which authorized, he may complete them as early as practicable in the next month. However, authorization shall terminate if the purchaser fails to place his order before the end of the allocation period or if the purchaser requires postponement of delivery beyond 10 days after the allocation period.

(u) *Duration of authorization for acceptance of delivery.* A purchaser may accept delivery after the allocation pe-

riod but shall notify the War Production Board and hold the material intact subject to direction from the War Production Board if he knows or has reason to believe that the shipment was made after the authorization for delivery had expired.

(v) *Duration of authorization for use.* Authorization for use on Form WPB-2945 (formerly PD-600) shall be valid during the allocation period for which the authorization was issued and the following month. Any unused portion remaining thereafter shall not be used for any purpose until further authorized or directed by the War Production Board.

Action by War Production Board

(w) *Individual actions.* In addition to regular allocations under this order, the War Production Board may at any time issue special directions to any person with respect to:

(1) Use, delivery or acceptance of delivery of an Appendix A, B or C material; or

(2) Production or processing of an Appendix A, B or C material; or

(3) Preparation and filing of forms and certificates required by this order or by its schedules, subject to approval by the Bureau of the Budget when required by Federal Reports Act of 1942.

Miscellaneous Provisions

(x) *Miscellaneous provisions—(1) Toll arrangements.* In the case of any toll arrangement where raw materials are converted into any Appendix A, B or C material by any person for the owner of the raw materials, the owner shall be considered the producer for the purpose of applications and authorizations under this order, and the Appendix A, B or C material may be delivered to him without restriction.

(2) *Laboratories.* This order is subject to the provisions of Supplementary Order P-135-a, which contains optional provisions for filing of small order and end use certificates by laboratories ordering reagent chemicals, and for acceptance by laboratories of small order deliveries of reagent chemicals.

(3) *Equivalent quantities.* The provisions of this order relate to quantities of material and not to the identity of any particular lot of material.

(4) *Full container adjustments.* A specifically authorized delivery (not including an exempt small order delivery) may be increased to the extent necessary to avoid shipping partly filled containers, if a container in the nearest practicable size is used. The excess quantity shall be deducted from subsequent authorized shipments to the same customer. The person accepting overshipment shall hold the excess material as an advance shipment on subsequent allocations, and shall use it only for the purpose authorized for the subsequent allocation against which it is credited, or shall hold it in inventory subject to further directions from the War Production Board.

(5) *Allocated inventory.* Material which is allocated for inventory shall not be used or disposed of for any purpose,

except as specifically directed by the War Production Board. Material which has not been used for the purpose for which it was allocated shall revert to inventory as if originally allocated for inventory. Pending receipt of material allocated for a particular purpose, stocks on hand may be used for that purpose. The quantity withdrawn from allocated inventory must be replaced upon receipt of the allocated material.

(6) *Applicability of regulations.* This order, its schedules, and all transactions affected thereby, are subject to all applicable War Production Board regulations, as amended from time to time.

(7) *Approval of reporting requirements.* Forms WPB-2945, 2946, 2947 and 3442, and the instructions in this order and in its Appendices and schedules for applications and reports regarding materials subject to this order, have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(8) *Violations.* Any person who willfully violates any provision of this order

or of its schedules or who, in connection with such order or schedule, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priority assistance.

(9) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Chemical Bureau, Washington 25, D. C.; Ref: M-300—(specify applicable schedule number).

Issued this 11th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

USE CERTIFIED—REF. M-300

Name of purchaser

By: _____
(Signature and title of
duly authorized officer)

(2) In the event two or more end uses are involved in a single purchase order, the amount of the material required for each use shall be listed as a separate item. Each item shall bear an identifying number so that it will be possible for the supplier to advise his customer by purchase order number and item number as to the action taken in the supplier's application for authorization to make delivery.

(3) A written purchase order placed by any department or agency of the United States Government pursuant to the Act of March 11, 1941 (Lend-Lease Act) shall constitute a use certificate for the purpose of this order, if the purchase order specifies the Lend-Lease contract or requisition number.

(4) A certified statement on Form WPB-2945 (formerly PD-600), or on any equivalent form, of quantities of material ordered for each intended product and end use, shall constitute a use certificate for the purpose of this order.

(5) The special certificate specified in Supplementary Order P-135-a may be used by laboratories when applicable instead of the above certificate.

APPENDIX E—FORMS WPB-2945, 2946 AND 2947—GENERAL INSTRUCTIONS

CUSTOMERS' FORMS

Customers' Form WPB-2945 (formerly PD-600). Each person requiring specific authorization to use or accept delivery of a material subject to this order shall file application on Form WPB-2945 in the manner prescribed therein, subject to the following general instructions:

(1) *Where to obtain copies.* Copies may be obtained at local field offices of the War Production Board.

(2) *Special instructions in schedules.* The applicable schedule may contain special instructions for applying for the particular material, supplementing or modifying the following general instructions.

(3) *When application is required.* Application for specific authorization is required for use or acceptance of delivery during any allocation period of a quantity exceeding the small order exemption in Column 5 of Appendix A, or of a quantity specified in Column 3 of Appendix C, or for use of an Appendix A, B or C material which has previously been allocated for a different purpose or for inventory.

(4) *Time of filing.* Application for regular allocation shall be filed or mailed in time to reach the War Production Board on or before the date specified in Column 3 of Appendix A or C.

(5) *Number of copies and where to file.* Prepare five copies, retain one, send one (reverse side blank) to the supplier, if any, and send three copies (original certified) to the War Production Board, Chemical Bureau, Washington 25, D. C., Reference M-300— (specify schedule number). Exporters, however, when applying to the Foreign Economic Administration for an export license for material for which War Production Board allocation is requested, shall send both sets of applications to the Foreign Economic Administration.

(6) *Applications regarding suppliers and inventory.* When applying only for use from inventory, specify "Inventory" as supplier in the heading. When applying for material from other companies as suppliers, file separate sets of applications for each supplying company. A combined application may be made to accept delivery and use material from

APPENDIX A—ALLOCATION USING FORMS WPB-2945 AND WPB-2946 (FORMERLY PD-600 AND 601)

Material	Schedule	Customers' filing date (WPB-2945)	Suppliers' filing date (WPB-2946)	Small order exemption per allocation period ("u" indicates use restriction in schedule; "c" indicates small order certificate required by schedule).	Report on Form WPB-3442	Initial allocation date and allocation period ("u" indicates use restriction)
1	2	3	4	5	6	7
Nicotinic acid.....	1	15th.....	20th.....	1 kilogram.....	None.....	5-4-43 Month
Anhydrous hydrofluoric acid.....	4	15th.....	20th.....	500 lbs.....	None.....	2-1-44 Month

APPENDIX B—ALLOCATION USING SUPPLIERS' FORM WPB-2947 (FORMERLY PD-602) WITH CUSTOMERS' USE CERTIFICATES

Material	Schedule	Suppliers' filing date (WPB-2947)	Small order exemption per allocation period—No certificate required ("u" indicates use restriction in schedule)	Report on Form WPB-3442	Initial allocation date and allocation period
1	2	3	4	5	6
Riboflavin.....	2	20th.....	100 grams.....	None.....	4-1-43 Month

APPENDIX C—ALLOCATION USING FORM WPB-2947 (FORMERLY PD-602) FOR SUPPLIERS, AND CUSTOMERS' FORM WPB-2945 (FORMERLY PD-600) FOR LARGE ORDERS AND USE CERTIFICATES FOR INTERMEDIATE ORDERS

Material	Schedule	Customer's applications		Small order exemption per allocation period ("u" indicates use restriction in schedule; "c" indicates small order certificate required by schedule)	Suppliers' filing date (WPB-2947)	Report on Form WPB-3442	Initial allocation date and allocation period
		On Form WPB-2945 filing date and quantities per allocation period from all suppliers	Use certificate quantities per allocation period from all suppliers				
1	2	3	4	5	6	7	8
Thiamine hydrochloride.....	3	15th—more than 2,000 grams.	Between 100—2,000 grams.	100 grams.....	20th.....	None.....	5-4-43 Month

APPENDIX D—USE CERTIFICATE GENERAL INSTRUCTIONS

(1) Each person required to file a use certificate with a purchase order for material subject to this order shall furnish the supplier with a certified statement of proposed use of the material in substantially the fol-

lowing form, either placed on or attached to the purchase order:

(Statement of quantity of listed material required for each specified product and end use—see instructions in the applicable schedule and the instructions in paragraphs (10) and (11) of Appendix E for description of proposed use.)

another company as supplier, and to use an additional quantity from inventory. It will be presumed that applications which name another company in the heading as supplier relate only to acceptance of delivery and use of material from that supplier, unless it is clearly indicated that part of the application relates to use of an additional quantity from inventory. This may be indicated by specifying the requested quantity from inventory separately in Column 2 (quantities requested) and by specifying in Column 10 (Remarks) "From Inventory".

(7) *Heading.* Fill in as indicated, specifying as WPB Order No., "M-300-____" (specify Schedule number).

(8) *Table I.* Specify in the heading the allocation period for which authorization for acceptance of delivery or use is sought.

(9) *Columns 1 and 2.* Fill in as indicated, subject to the instructions in the applicable Schedule.

(10) *Column 3.* Specify the proposed primary use of the material sought in terms of the proposed primary product to be made from the material (as indicated in the applicable Schedule), or specify the use as for resale, export or inventory of the requested material in original form.

Column 4. Fill in as follows:

Opposite any primary product in Column 3 which is subject to allocation, specify in Column 4 only the allocation order number (and Schedule number, if allocated under General Allocation Order M-300).

Opposite any primary product in Column 3 which is not under allocation, specify in Column 4 the end use accurately and briefly, giving Army or Navy specification or contract numbers, or Lend-Lease requisition and contract numbers, when practicable.

Opposite "resale" in Column 3, suppliers shall write into Column 4 "upon further authorization" or "for exempt small orders". Suppliers who resell in both large and small quantities should specify "upon further authorization" for the total quantity ordered, and should apply on their suppliers' Form WPB-2946 or 2947 for authorization to deliver an aggregate quantity for small orders.

Opposite "export" in Column 3 specify in Column 4 the name of the individual company or governmental agency to whom, or for whose account, the material will be exported, the country of destination, and the governing export license or contract number, unless Lend-Lease, in which case merely specify the Lend-Lease contract and requisition number.

Opposite "Inventory" in Column 3, write into Column 4, "subject to further authorization".

(12) *Columns 9 and 10.* Leave blank, except for remarks, if any, in Column 10.

(13) *Tables II, III and IV.* Fill in as indicated except as otherwise provided in the applicable schedule. In Columns 15 and 16, report entire physical inventory, whether or not subject to valid authorization or exemption on the dates specified. Suppliers who both sell and consume the material shall keep separate accounts of their sales and consumption inventories, reporting only the latter on customers' Form WPB-2945.

(14) *Table V.* Fill in only when and as required by the applicable schedule.

SUPPLIERS' FORMS

Suppliers' Forms WPB-2946 and 2947 (formerly PD-601 and 602). Each supplier requiring specific authorization to make delivery shall file application on Form WPB-2946 for an Appendix A material and on Form WPB-2947 for an Appendix B or C material, in the manner prescribed in these forms, subject to the following general instructions:

(15) *Where to obtain copies.* Copies may be obtained at local field offices of the War Production Board.

(16) *Special instructions in schedule.* The applicable schedule may contain special instructions for applications to deliver the particular material, supplementing or modifying the following general instructions.

(17) *When application to deliver is required.* Application for specific authorization to deliver an Appendix A, B or C material is required for any delivery by a supplier after the initial allocation date which is not subject to small order exemption.

A supplier who wishes to divert to his own use any part of his own production shall list his own name on the applicable supplier's form as in the case of any other customer, in addition to applying on customer's Form WPB-2945 (formerly PD-600) when so required.

(18) *Time of filing.* Applications for regular allocation shall be filed or mailed in time to reach the War Production Board on or before the date specified in Column 4 of Appendix A or Column 3 of Appendix B or Column 6 of Appendix C.

(19) *Number of copies and where to file.* Prepare five copies, retain one, and send four copies (original certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M-300 ____ (specify schedule number).

(20) *Number of sets.* File a separate set of forms for each separately located plant or distributing point, unless otherwise expressly provided in the applicable schedule.

(21) *Heading.* Fill in as indicated, specifying as WPB Order No., "M-300 ____" (specify schedule number).

(22) *Table I.* Fill in as indicated on Form WPB-2946 (formerly PD-601). List customers alphabetically, as far as practicable. On Form WPB-2947 (formerly PD-602) group customers according to end use and list alphabetically within each group, as far as practicable. If the applicant supplier wishes to use any part of his own production, he should list his own name as a customer on his supplier's form as in the case of any other customer. An aggregate quantity may be requested for exempt small orders without listing individual customers' names. In the case of Appendix C materials specify "WPB-2945" without further use description in Column 1-a of Form WPB-2947 opposite the names of customers who have filed copies of Form WPB-2945 with the applicant supplier.

(23) *Table II.* Fill in as indicated. In Column 10 and 13 report stocks on physical inventory basis regardless of whether any part of the stock is subject to valid authorization to deliver on the date specified. In Column 16, specify a quantity no greater than what is estimated will be available for allocation during the requested allocation period, taking into account undelivered balances on still valid prior authorizations.

[F. R. Doc. 44-2055; Filed, February 11, 1944; 11:36 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 1]

NICOTINIC ACID

§ 3293.1001 *Schedule 1 to General Allocation Order M-300—(a) Definition.* "Nicotinic acid" means nicotinic acid (also known as niacin) in crude or refined form. The term shall include any compound of nicotinic acid, including, but not limited to nicotinamide (also known as nicotinic acid amide and niacinamide), but does not include standard dosage forms (tablets, capsules, ampuls, solutions, etc.), combinations in foods or beverages, nicotinic acid of natural origin or nikethamide.

(b) *General restrictions.* Nicotinic acid is subject to allocation under General Allocation Order M-300, as an Appendix A material. The initial allocation date is May 4, 1943, the date of issuance of the nicotinic acid order M-315 (revoked). The allocation period is the calendar month, and the small order exemption is one kilogram per person per month.

(c) *Special provisions.* Use, delivery and acceptance of delivery prior to March 1, 1944, will be authorized on the basis of applications filed in the form heretofore prescribed in the nicotinic acid order M-315 (revoked).

(d) *Suppliers' applications on Form WPB-2946.* Each supplier seeking authorization to deliver shall file application on Form WPB-2946 (formerly PD-601). The filing date is the 20th day of the month preceding the proposed delivery month. Send four copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M-300-1. Separate sets of forms shall be filed for nicotinic acid and nicotinamide. The unit of measure is kilograms. Specify grade as "USP" or "crude." An aggregate quantity may be requested, without specifying customers' names, for delivery on small orders of 1 kilogram or less per person per month. Fill in Table II.

(e) *Customers' applications for authorization on Form WPB-2945.* Each person seeking authorization to use or accept delivery shall file application on Form WPB-2945 (formerly PD-600). Filing date is the 15th day of the month preceding the requested allocation month. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref. M-300-1, one copy (reverse side blank) to the supplier and retain one copy. File separate sets of forms for nicotinic acid and nicotinamide and for each different supplier. The unit of measure is kilograms. Specify grade as "USP" or "crude." In Column 3 specify primary products as multivitamin, B-Complex, or single-vitamin capsules, tablets, ampuls or liquids; as bread, flour or cereal enrichment concentrates; as nikethamide; or as other specified products; or the primary use may be specified as resale, inventory or export of nicotinic acid as such. Opposite each primary product in Column 3, specify end use in Column 4, in terms of Army, Navy, or Lend-Lease requirements, if any, giving contract or requisition numbers when practicable.

Fill in Tables II, III and IV as indicated. In Table V specify "Frozen Inventory on first of ____" (name first day of requested allocation month), in the heading of Column 23, and in the column enter the estimated quantity of nicotinic acid which at the beginning of the requested allocation month will be in inventory subject to further authorization before it can be used. Leave column 24 and 25 blank.

(f) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this Schedule shall, unless

otherwise directed, be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C.; Reference M-300-1.

NOTE: Forms WPB-2945 and 2946 and the instructions in this schedule and the appendices of Order M-300 for applications for nicotinic acid have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Issued this 11th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2056; Filed, February 11, 1944;
11:37 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 2]

RIBOFLAVIN

§ 3293.1002 *Schedule 2 to General Allocation Order M-300—(a) Definition.* "Riboflavin" means riboflavin (lactoflavin, Vitamin G, Vitamin B₂), in crude or refined form. The term does not include standard dosage forms (tablets, capsules, ampuls, solutions, etc.), combinations in feeds, foods or beverages, nor riboflavin concentrates of natural origin.

(b) *General provisions.* Riboflavin is subject to the provisions of General Allocation Order M-300 as an Appendix B material. The initial allocation date is April 1, 1943, the date of issuance of the riboflavin order M-299 (revoked). The allocation period is the calendar month. The small order exemption without use certificate is 100 grams or less per person per month.

(c) *Special provisions.* Use, delivery and acceptance of delivery prior to March 1, 1944 will be authorized on the basis of applications filed in the form heretofore prescribed in the riboflavin order M-299 (revoked).

(d) *Suppliers' applications on WPB-2947.* Each supplier seeking authorization to use or deliver shall file application on Form WPB-2947 (formerly PD-602). The filing date is the 20th day of the month preceding the proposed delivery month. Send four copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M-300-2. The unit of measure is grams. Specify grade as "USP" or "crude". An aggregate quantity may be requested without specifying customers' names on uncertified small orders. Fill in Table II.

(e) *Certified uses with purchase orders.* Each person placing purchase orders for delivery of more than 100 grams per month in the aggregate from all suppliers, shall furnish each supplier with a certified statement of proposed use, in the form prescribed in Appendix D of General Allocation Order M-300. List Government contract numbers or export license numbers if practicable. It is requested that certified end use statements be filed with the supplier not later than the 15th day of the month preceding the requested delivery month. Specify

primary products as multivitamin, B-Complex, or single-vitamin capsules, tablets, ampuls, or liquids; as bread, flour, or cereal enrichment concentrates; or as other specified products. Specify as end use, Army, Navy or Lend-Lease requirements, if any, giving contract or requisition numbers when practicable. Proposed use may also be specified as, for authorized resale, for resale on exempt small orders, or for export (specify destination and export license number).

(f) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this schedule shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C.; Ref. M-300-2.

NOTE: Forms WPB-2947 and instructions in this schedule and the appendices of Order M-300 for applications for riboflavin have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Issued this 11th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

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PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 3]

THIAMINE HYDROCHLORIDE

§ 3293.1003 *Schedule 3 to General Allocation Order M-300—(a) Definition.* "Thiamine hydrochloride" means thiamine hydrochloride (also known as thiamine chloride, vitamin B₁, hydrochloride, vitamin B₁) in crude or refined form. The term does not include standard dosage forms (tablets, capsules, ampuls, solutions, etc.), combinations in foods or beverages, or thiamine hydrochloride of natural origin.

(b) *General provisions.* Thiamine hydrochloride is subject to the provisions of General Allocation Order M-300 as an Appendix C material. The initial allocation date is May 4, 1943, the date of issuance of the thiamine hydrochloride order M-314 (revoked). The allocation period is the calendar month. A customer may purchase 100 grams or less per month from all suppliers without restrictions, must furnish use certificates with each order when seeking delivery of between 100 and 2000 grams per month from all suppliers, and must file on Form WPB-2945 for more than 2000 grams per month from all suppliers.

(c) *Special provisions.* Use, delivery and acceptance of delivery prior to March 1, 1944, will be authorized on the basis of applications filed in the form heretofore prescribed in the thiamine hydrochloride order M-314 (revoked).

(d) *Suppliers' applications on Form WPB-2947.* Each supplier seeking authorization to deliver shall file application on Form WPB-2947 (formerly PD-601). The filing date is the 20th of the month preceding the proposed delivery

month. Send four copies (one certified) to War Production Board, Chemicals Bureau, Washington 25, D. C., Ref. M-300-3. The unit of measure is grams. Specify grade as "USP" or "crude". Fill in Tables I and II as indicated.

(e) *Customers' applications for authorization on Form WPB-2945.* Each person seeking delivery of more than 2000 grams per month from all suppliers shall file application for authorization on Form WPB-2945 (formerly PD-600). The filing date is the 15th day of the month preceding the requested allocation month. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref. M-300-3, one copy (reverse side blank) to the supplier, and retain one copy. The unit of measure is grams. Specify grade as "USP" or "crude". In column 3, specify primary products as multivitamin, B-Complex, or single-vitamin capsules, tablets, ampuls or liquids; as bread, flour or cereal enrichment concentrates; or as other specified products, or the primary use may be specified as resale, inventory or export of thiamine hydrochloride as such. Opposite each primary product in Column 3, specify end use in Column 4 in terms of Army, Navy, or Lend-Lease requirements, if any, giving contract or requisition numbers when practicable. Fill in Tables II, III, and IV as indicated. In Table V specify "Frozen Inventory on first of _____" (name first day of requested allocation month) in the heading of Column 23, and in the column enter the estimated quantity of thiamine hydrochloride which at the beginning of the requested allocation month will be in inventory subject to further authorization before it can be used. Leave Columns 24 and 25 blank.

(f) *Certified uses with purchase orders.* Each person placing purchase orders for delivery of between 100 and 2,000 grams per month in the aggregate from all suppliers, shall furnish each supplier with a certified statement of proposed use, in the form prescribed in Appendix D of General Allocation Order M-300. Describe proposed use as shown in paragraph (e) above. It is requested that certified end use statements be filed with the supplier not later than the 15th day of the month preceding the requested delivery month.

(g) *Communications to War Production Board.* All reports filed hereunder and all communications concerning this Schedule shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C.; Reference M-300-3.

NOTE: Forms WPB-2947 and 2945 and the instructions in this schedule and the appendices of Order M-300 for applications for thiamine hydrochloride have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 11th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

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PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 4]

ANHYDROUS HYDROFLUORIC ACID

§ 3293.1004 *Schedule 4 to General Allocation Order M-300—(a) Definition.* "Anhydrous Hydrofluoric Acid" means anhydrous hydrofluoric acid in liquid or gaseous form.

(b) *General restrictions.* Anhydrous hydrofluoric acid is subject to allocation under General Allocation Order M-300-4 as an Appendix A material. The initial allocation date is March 1, 1944. The allocation period is the calendar month, and the small order exemption is 500 pounds per month.

(c) *Suppliers' applications on Form WPB-2946.* Each supplier seeking authorization to deliver shall file application on Form WPB-2946 (formerly PD-601). The filing date is the 20th day of the month preceding the proposed delivery month. Send four copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M-300-4. The unit of measure is the ton. An aggregate quantity may be requested, without specifying customers' names, for delivery on small orders of 500 pounds or less per person per month. Fill in Table II.

(d) *Customers' applications for authorization on Form WPB-2945.* Each person seeking authorization to use or accept delivery shall file application on Form WPB-2945 (formerly PD-600). Filing date is the 15th day of the month preceding the requested allocation month. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington, D. C., Reference M-300-4, one copy (reverse side blank) to the supplier and retain one copy. File separate sets of forms for each different supplier. The unit of measure is the ton. In Column 3 specify each primary product, or specify "Resale" or "Export" if the anhydrous hydrofluoric acid is to be resold or exported as such. Fill in the other columns of Table I, and fill in Tables II and III as indicated. Leave Tables IV and V blank.

(e) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this Schedule shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C.; Reference M-300-4.

NOTE: Forms WPB-2945 and 2946 and the instructions in this schedule and the appendices of Order M-300 for applications for anhydrous hydrofluoric acid have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Issued this 11th day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

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Chapter XI—Office of Price Administration

PART 1300—PROCEDURE

[Rev. Procedural Reg. 3¹ Incl. Amdt. 5]

PROCEDURE FOR ADJUSTMENTS, AMENDMENTS, PROTESTS AND INTERPRETATIONS UNDER RENT REGULATIONS

Section 1300.250 amended by Amendment 5 effective February 9, 1944 so that Revised Procedural Regulation No. 3 shall read as follows:

Pursuant to the authority of sections 201 (d) and 203 (a) of the Emergency Price Control Act of 1942 (Pub. Law 421, 77th Cong.), Procedural Regulation No. 3—Procedure for the Protest and Amendment of Maximum Rent Regulations and Adjustment Under Such Regulations—is hereby revoked, except as provided in § 1300.253 of this regulation, and the following rules are prescribed for adjustments, amendments, protests and interpretations under maximum rent regulations.

Sec.

1300.201 Purposes of this regulation.

SUBPART A—LANDLORDS' PETITIONS AND TENANTS' APPLICATIONS

1300.202 Right to file petition.

1300.203 Method of filing, form, and contents.

1300.204 Joint petitions, consolidation.

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SUBPART B—PETITION FOR AMENDMENT

1300.211 Right to file petition.

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1300.221 Submission of brief by protestant.

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1300.227 Inclusion of material in the record by the Administrator.

1300.228 Consolidation of protests.

¹ 8 F.R. 526.

Oral Hearings

Sec.

- 1300.229 Requests for oral hearing.
- 1300.230 Conference prior to oral hearing.
- 1300.231 Continuance or adjournment of oral hearing.
- 1300.232 Conduct of the oral hearing.
- 1300.233 Filing of briefs.
- 1300.234 Subpenas.
- 1300.235 Witnesses.
- 1300.236 Contemptuous conduct.
- 1300.237 Stenographic report of oral hearing.

Opinion and Transcript on Protests

- 1300.238 Opinion denying protest in whole or in part.
- 1300.239 Treatment of protest as petition for amendment or for adjustment or other relief.
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SUBPART D—INTERPRETATIONS

- 1300.241 Interpretations.
- 1300.242 Requests for interpretations: Form and contents.
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- 1300.245 Filing of notices, etc.
- 1300.246 Service of papers.
- 1300.247 Action by representative.
- 1300.248 Secretary: Office hours.
- 1300.249 Confidential information, inspection of documents filed with Secretary.
- 1300.250 Appearance of Office of Price Administration employees and former employees before the Office of Price Administration.
- 1300.251 Definitions.
- 1300.252 Amendment of this regulation.
- 1300.253 Effective date of Revised Procedural Regulation No. 3.
- 1300.253a Effective dates of amendments.

AUTHORITY: §§ 1300.201 to 1300.253a, inclusive, issued under 56 Stat. 23; 705.

§ 1300.201 *Purposes of this regulation.* It is the purpose of this regulation to prescribe and explain the procedure of the Office of Price Administration in making various kinds of determinations in connection with the establishment of maximum rents.

(a) Subpart A deals with petitions for adjustment and other relief, provided for by the maximum rent regulations. An adjustment in maximum rent or any other relief can be granted only if the applicable maximum rent regulation contains specific provision for the adjustment or other relief sought.

(b) Subpart B deals with petitions for amendment. A petition for amendment is the appropriate document to file when a petitioner seeks a change of general applicability in the provisions of a maximum rent regulation.

(c) Subpart C deals with protests. A protest is the means provided by the Emergency Price Control Act of 1942 for making a formal claim that a maximum rent regulation or an order issued thereunder is in some respect invalid. Only if a protest has been filed and denied may the protestant file a complaint with

the Emergency Court of Appeals to have the maximum rent regulation or order protested, enjoined or set aside in whole or in part.

(d) Subpart D explains the way in which interpretations of the meaning or effect of provisions of maximum rent regulations are given by officers or employees of the Office of Price Administration.

(e) Subpart E contains miscellaneous provisions, and definitions.

SUBPART A—LANDLORDS' PETITIONS AND TENANTS' APPLICATIONS

§ 1300.202 *Right to file petition.* A petition for adjustment or other relief may be filed by any landlord subject to any provision of a maximum rent regulation who requests such adjustment or relief pursuant to a provision of the maximum rent regulation authorizing such action.

§ 1300.203 *Method of filing, form, and contents.* A petition for adjustment or other relief provided for by a maximum rent regulation shall be filed with the rent director of the Office of Price Administration for the defense-rental area within which the housing accommodations involved are located. Petitions shall be filed upon forms prescribed by the Administrator and pursuant to instructions stated on such forms and may be accompanied by affidavits or other documents setting forth the evidence upon which the petitioner relies in support of the facts alleged in his petition.

§ 1300.204 *Joint petitions, consolidation.* Two or more landlords may file a joint petition for adjustment or other relief where the grounds of the petition are common to all landlords joining therein. A joint petition shall be filed and determined in accordance with the rules governing the filing and determination of petitions filed by one landlord. A landlord's petition may include as many housing accommodations as present common questions which can be expeditiously determined in one proceeding. Whenever the rent director deems it necessary or appropriate, he may order the filing of separate petitions or he may consolidate separate petitions presenting common questions which can be determined expeditiously in one proceeding.

§ 1300.205 *Tenants' applications.* All tenants' applications provided for by any maximum rent regulation shall be filed with the rent director for the defense-rental area within which the housing accommodations involved are located. The application shall be filed on forms prescribed by the Administrator and pursuant to directions set forth on such forms. Action upon any tenant's application shall be within the discretion of the rent director and the procedure thereon shall be the same as in proceedings initiated by the rent director pursuant to provisions of a maximum rent regulation authorizing such action.

§ 1300.206 *Investigation of petitions and applications.* Upon the filing of a petition or application pursuant to the provisions of this regulation, the rent

director may make such investigation of the facts involved in the petition or application, hold such conferences, and require the filing of such reports, evidence in affidavit form or other material relevant to the proceeding, as he may deem necessary or appropriate for the proper disposition of the petition or application.

§ 1300.207 *Action by rent director on his own initiative.* In any case where the rent director pursuant to the provisions of a maximum rent regulation, deems it necessary or appropriate to enter an order on his own initiative, he shall, before taking such action, serve a notice upon the landlord of the housing accommodations involved stating the proposed action and the grounds therefor.

§ 1300.208 *Action by the rent director on petitions for adjustment or other relief.* (a) Upon receipt of a petition for adjustment or other relief, and after due consideration, the rent director may either:

(1) Dismiss any petition which falls substantially to comply with the provisions of the applicable maximum rent regulation or of this regulation; or

(2) Grant or deny in whole or in part, any petition which is properly pending before him; or

(3) Notice such petition for oral hearing to be held in accordance with §§ 1300.229 to 1300.237, inclusive, of this regulation; or

(4) Provide an opportunity to present further evidence in affidavit form, in connection with such petition.

(b) An order entered by a rent director upon a petition for adjustment or other relief, or an order entered by a rent director on his own initiative, shall be effective and binding until changed by further order and shall be final subject only to application for review or protest as provided in §§ 1300.209 and 1300.210 and §§ 1300.215 to 1300.228, inclusive, of this regulation. An order entered by a rent director may be revoked or modified at any time upon due notice to the petitioner.

[Paragraph (b) as amended by Am. 3, 8 F.R. 5481, effective 4-24-43]

Application for Review of Rent Director's Action

§ 1300.209 *Applications for review.* (a) Any landlord whose petition for adjustment or other relief has been dismissed or denied in whole or in part by the rent director, or any landlord subject to an order entered by the rent director on his own initiative, may within a period of sixty days after the date of issuance of such determination, regardless of the effective date thereof, file with the rent director an application for review of such determination by the regional administrator for the region in which the defense-rental area office is located: *Provided*, That any landlord subject to an order entered under section 5 (d) of any maximum rent regulation or subject to an order entered by the rent director under § 1300.207 of this regulation, may either apply for review of such order as provided in this section, or may protest any provision of such order as

provided in §§ 1300.215 to 1300.223, inclusive, of this regulation. An application for review shall be filed in triplicate upon forms prescribed by the Administrator and pursuant to instructions stated on such forms. Upon the filing of an application for review of such determination, the rent director shall forward the record of the proceedings with respect to which such application is filed to the appropriate regional administrator.

(b) Applications for review shall be deemed filed on the date received by the rent director: *Provided*, That applications for review properly addressed to the rent director, bearing a postmark dated within the sixty-day period specified above, but received after the expiration thereof, shall be deemed to have been filed on the date of the postmark.

[§ 1300.209 amended by Am. 1, 8 F.R. 1733, effective 2-13-43, Am. 2, 8 F.R. 3323, effective 3-23-43 and Am. 3, 8 F.R. 5431, effective 4-24-43]

§ 1300.210 *Action on applications for review.* Upon the filing of an application for review in accordance with § 1300.209 of this regulation, and after due consideration, the regional administrator may affirm, revoke, or modify, in whole or in part, the determination of the rent director sought to be reviewed and may enter such order as is necessary or proper. In any case where an application for review does not conform in a substantial respect to the requirements of this regulation, the regional administrator may dismiss such application. An order entered by a regional administrator upon an application for review shall be effective and binding until changed by further order and shall be final subject only to protest as provided in §§ 1300.215 to 1300.228, inclusive, of this regulation. An order entered by a regional administrator upon an application for review may be revoked or modified at any time upon due notice to the applicant.

[§ 1300.210 as amended by Am. 3, 8 F.R. 5431, effective 4-24-43]

SUBPART C—PETITION FOR AMENDMENT

§ 1300.211 *Right to file petition.* A petition for amendment may be filed at any time by any person subject to or affected by a provision of a maximum rent regulation. A petition for amendment shall propose an amendment of general applicability and shall be granted or denied on the merits of the amendment proposed. The denial of a petition for amendment is not subject to protest or judicial review under the Act.

§ 1300.212 *Place for filing petitions for amendment; form and contents.* A petition for amendment shall be filed with the Secretary, Office of Price Administration, Washington, D. C. One original and four copies of the petition and of all accompanying documents and briefs shall be filed. Each copy shall be printed, typewritten, mimeographed, or prepared by a similar process, and shall be plainly legible. Copies shall be double spaced, except that quotations shall be single spaced and indented. Every such petition shall be designated "Petition for Amendment" and shall contain,

upon the first page thereof, the name of the defense-rental area and the number and date of issuance of the maximum rent regulation to which the petition relates, and the name and address of the petitioner. The petition shall specify the manner in which the petitioner is subject to or affected by the provision of the maximum rent regulation involved, and shall include a specific statement of the particular amendment desired and the facts which make that amendment necessary or appropriate. The petition shall be accompanied by affidavits setting forth the evidence upon which the petitioner relies in his petition.

[§ 1300.212 as amended by Am. 1, 8 F.R. 1798, effective 2-13-43]

§ 1300.213 *Joint petitions for amendment.* Two or more persons may file a joint petition for amendment, where the amendments proposed are identical or substantially similar. Joint petitions shall be filed and determined in accordance with the rules governing the filing and determination of petitions filed by one person. Whenever the Administrator deems it to be necessary or appropriate for the disposition of joint petitions, he may treat such joint petitions as several, and, in any event, he may require the filing of relevant material by each individual petitioner.

§ 1300.214 *Action by the Administrator on petition.* In the consideration of any petition for amendment, the Administrator may afford to the petitioner and to other persons likely to have information bearing upon such proposed amendment, or likely to be affected thereby, an opportunity to present evidence or argument in support of, or in opposition to, such proposed amendment. Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two or more petitions for amendment, the Administrator may consolidate such petitions.

SUBPART C—PROTESTS

§ 1300.215 *Right to protest.* Any landlord subject to any provision of a maximum rent regulation, or of an order issued under § 1300.210 of this regulation, or of an order entered under section 5 (d) of any maximum rent regulation, or of an order entered by the rent director under § 1300.207 of this regulation, may file a protest in the manner set forth below. A landlord is, for the purposes of this regulation, subject to a provision of a maximum rent regulation or of an order only if such provision prohibits or requires action by him. Any protest filed by a landlord not subject to the provision protested, or otherwise not in accordance with the requirements of this regulation, may be dismissed by the Administrator.

[§ 1300.215 as amended by Am. 3, 8 F.R. 5481, effective 4-24-43]

§ 1300.216 *Time and place of filing protests.* (a) Any protest as provided in § 1300.215 of this regulation against a provision of a maximum rent regulation or an order, shall be filed with the Secretary, Office of Price Administration, Washington, D. C., within a period of sixty days after the date of issuance of

such regulation or order, regardless of the effective date thereof: *Provided*, That a protest against a provision of a maximum rent regulation based solely on grounds arising after the date of issuance of such maximum rent regulation shall be filed within a period of sixty days after the protestant has had, or could reasonably have had, notice of the existence of such grounds.

[Former text of § 1300.216 designated (a) by Am. 2, 8 F.R. 3534 and amended by Am. 3, 8 F.R. 5481, effective 4-24-43]

(b) Protests shall be deemed filed on the date received by the Secretary, Office of Price Administration, Washington, D. C.: *Provided*, That protests properly addressed to the Secretary bearing a postmark dated within the applicable sixty-day period specified above, but received after the expiration thereof, shall be deemed to have been filed on the date of the postmark.

[Paragraph (b) added by Am. 2, 8 F.R. 3534, effective 3-20-43]

§ 1300.217 *Form of protest.* Every protest shall be clearly designated a "Protest" and shall contain, upon the first page thereof (a) the name of the protestant and of the defense-rental area for which the maximum rent regulation or order protested was issued, (b) a statement whether the protest is against a maximum rent regulation or order, and (c) the date of issuance and the number of such maximum rent regulation or order. One original and five copies of the protest and of all accompanying documents and briefs shall be filed. Each copy shall be printed, typewritten, mimeographed or prepared by a similar process, and should be plainly legible. Copies shall be double spaced, except that quotations shall be single spaced and indented.

§ 1300.218 *Assignment of docket number.* Upon receipt of a protest it shall be assigned a docket number, of which the protestant shall be notified, and all further papers filed in the proceedings shall contain on the first page thereof the docket number so assigned and the information specified in § 1300.217 of this regulation.

§ 1300.219 *Contents of protest.* Every protest shall set forth the following:

(a) The name and the post office address of the protestant, the manner in which the protestant is subject to the provision of the maximum rent regulation or order protested, and the location, by post office address or otherwise, of all housing accommodations involved in the protest.

(b) The name and post office address of the person filing the protest on behalf of the protestant and the name and post office address of the person to whom all communications from the Office of Price Administration relating to the protest shall be sent.

(c) A clear and concise statement of all objections raised by the protestant against the provision of the maximum rent regulation or order protested, each such objection to be separately stated and numbered.

(d) A clear and concise statement of all facts alleged in support of the objections.

(e) A statement of the relief requested by the protestant including, if the protestant requests modification of a provision of the maximum rent regulation or order, the specific changes which he seeks to have made therein.

(f) In cases where the protest is based upon grounds arising after the date of issuance of the maximum rent regulation, a clear and concise statement of facts showing the time when such grounds arose.

(g) A statement signed and sworn to (or affirmed) by the protestant personally or, if a partnership, by a partner or if a corporation or association, by a duly authorized officer, that the protest and the documents filed therewith are prepared in good faith and that the facts alleged are true to the best of his knowledge, information and belief. The protestant shall specify which of the facts are known to him to be true and which are alleged on information and belief.

§ 1300.220 *Affidavits or other written evidence in support of protest.* Every protestant shall file together with his protest the following:

(a) Affidavits setting forth in full all the evidence, the presentation of which is subject to the control of the protestant, upon which the protestant relies in support of the facts alleged in the protest. Each such affidavit shall state the name, post office address, and occupation of the affiant; his business connection, if any, with the protestant; and whether the facts set forth in the affidavit are stated from personal knowledge or on information and belief. In every instance, the affiant shall state in detail the sources of his information: *Provided*, That on a protest of an order, the evidence and all documents in proceedings had in connection therewith, shall be a part of the record on protest and need not be filed by the protestant.

(b) A statement by the protestant in affidavit form setting forth in detail the nature and sources of any further evidence, not subject to his control, upon which he believes he can rely in support of the facts alleged in his protest.

(c) If necessary, a further statement by the protestant in affidavit form setting forth the nature and sources of any evidence which the protestant is unable to present solely because of the time limit for the filing of protests and supporting material. Such further statement may contain a request for an opportunity to present such further evidence, which request shall state specifically the amount of time needed for preparation of such evidence. Any affidavits providing further evidence, pursuant to order, shall contain the information required by subparagraph (a) of this section.

§ 1300.221 *Submission of brief by protestant.* The protestant may file with his protest and accompanying evidential material a brief in support of the objections set forth in the protest. Such brief shall be submitted as a separate document, distinct from the protest and evidential material.

§ 1300.222 *Joint protests.* Two or more landlords may file a joint protest. Joint protests shall be filed and determined in accordance with the rules governing the filing and determination of protests filed severally. A joint protest shall be verified in accordance with § 1300.219 (g) of this regulation by each protestant. A joint protest may be filed only where at least one ground is common to all persons joining in it. Whenever the Administrator deems it to be necessary or appropriate for the disposition of joint protests, he may treat such joint protests as several, and, in any event, he may require the filing of relevant materials by the individual protestants.

§ 1300.223 *Amendment of protest and presentation of supplemental evidence.* (a) The protestant may amend his protest or his affidavits and briefs submitted therewith, or may add to such material within a period of sixty days after the issuance of the maximum rent regulation or order against a provision of which the protest is filed, or, in the case of a protest based solely on grounds arising after the date of issuance of a maximum rent regulation, within sixty days after the protestant has had or could reasonably have had notice of the existence of such grounds.

(b) After the time prescribed in paragraph (a) of this section, a protestant may be granted permission to amend his protest or to present further evidence in connection therewith, when, in the judgment of the Administrator, such permission will not unduly delay the completion of proceedings on the protest. No amendment which adds a new ground of protest will be permitted.

§ 1300.224 *Protest and evidential material not conforming to this regulation.* In any case where a protest or accompanying evidential material does not conform, in a substantial respect, to the requirements of this regulation, the Administrator may dismiss such protest, or, in his discretion, may strike such evidential material from the record of the proceedings in connection with the protest. A protest against the provisions of an order entered under section 5 (d) of any maximum rent regulation or of an order entered by a rent director under § 1300.207 of this regulation may be dismissed where, prior to the filing of such protest, the landlord filed an application for review of such order as provided in § 1300.209 of this regulation.

[§ 1300.224 as amended by Am. 3, 8 F.R. 5481, effective 4-24-43]

§ 1300.225 *Action by the Administrator on protest.* (a) Within a reasonable time after the filing of any protest in accordance with this regulation, but in no event more than thirty days after such filing or ninety days after the issuance of the maximum rent regulation or order against a provision of which the protest is filed, whichever occurs later, the Administrator shall:

- (1) Grant or deny such protest in whole or in part; or
- (2) Notice such protest for oral hearing, to be held in accordance with the

provisions of §§ 1300.229 to 1300.237, inclusive of this regulation; or

(3) Provide an opportunity to present further evidence in connection with such protest. Before, or within a reasonable time after, the presentation of such further evidence, the Administrator may notice such protest for oral hearing in accordance with subparagraph (2) of this section, may include additional material in the record of the proceedings in connection with the protest in accordance with § 1300.226 of this regulation, or may take such other action as may be appropriate to the disposition of the protest.

(b) Notice of any such action taken by the Administrator shall promptly be served upon the protestant.

(c) Where the Administrator has ordered a hearing on a protest or has provided an opportunity for the presentation of further evidence in connection therewith, he shall, within a reasonable time after the completion of such hearing or the presentation of such evidence, grant or deny such protest in whole or in part.

§ 1300.226 *Statements in support of maximum rent regulation or order.* (a) Any person affected by the provisions of a maximum rent regulation, or of an order issued thereunder, may at any time after the issuance of such regulation or order submit to the Administrator a statement in support of any such provisions. Such statement shall include the name and post office address of such person, the nature of his business, and the manner in which such person is affected by the maximum rent regulation or order in question, and may be accompanied by affidavits and other data. Each such supporting statement shall conform to the requirements of § 1300.220 of this regulation.

(b) In the event that a protest has been, or is subsequently, filed against a provision of a maximum rent regulation or order in support of which a statement has been submitted, the Administrator may include such statement in the record of the proceedings taken in connection with such protest. If such supporting statement is incorporated into the record, and is not so incorporated at an oral hearing, copies of such supporting statement shall be served upon the protestant, and the protestant shall be given a reasonable opportunity to present evidence in rebuttal thereof.

§ 1300.227 *Inclusion of material in the record by the Administrator.* The Administrator shall include in the record of the proceedings on the protest such evidence, in the form of affidavits or otherwise, as he deems appropriate in support of the provision against which the protest is filed. When such evidence is incorporated into the record, and is not so incorporated at an oral hearing, copies thereof shall be served upon the protestant, and the protestant shall be given a reasonable opportunity to present evidence in rebuttal thereof.

§ 1300.228 *Consolidation of protests.* Whenever necessary or appropriate for the full and expeditious determination

of common questions raised by two or more protests the Administrator may consolidate such protests.

Oral Hearings

§ 1300.229 *Requests for oral hearing.* Any protestant, applicant, or petitioner may request an oral hearing. Such request shall be accompanied by a showing as to why the filing of affidavits or other written evidence and briefs will not permit the fair and expeditious disposition of the protest, application for review, or petition. In the event that an oral hearing is ordered in connection with a protest, application for review, or petition, notice thereof shall be served on the protestant, applicant, or petitioner not less than five days prior to such hearing. The time and place of the hearing shall be stated in the notice. Any such oral hearing may be limited in such manner and to the extent deemed appropriate to the expeditious determination of the proceeding.

[§ 1300.229 amended by Am. 1, 8 F.R. 1793, effective 2-13-43 and Am. 3, 8 F.R. 5481, effective 4-24-43]

§ 1300.230 *Conference prior to oral hearing.* At any time prior to the commencement of the oral hearing, the protestant, applicant, or petitioner may be requested to appear at a conference to consider (a) the simplification of issues; (b) the possibility of obtaining stipulations of fact which will avoid unnecessary proof; and (c) such other matters as may expedite the conduct of the oral hearing. No transcript of such conference shall be kept, but the officer authorized to conduct such conference shall incorporate in the record of the proceedings any written stipulations or agreements made at, or as a result of, the conference. If the circumstances are such that an oral conference is impracticable, such negotiations may be conducted by correspondence.

[§ 1300.230 as amended by Am. 3, 8 F.R. 5481, effective 4-24-43]

§ 1300.231 *Continuance or adjournment of oral hearing.* The oral hearing shall be held at the time and place specified by the notice of hearing but may be continued or adjourned to a later day or to a different place. Notice of such adjournment or continuance may be by announcement at the oral hearing.

§ 1300.232 *Conduct of the oral hearing.* (a) An oral hearing on a protest, application for review, or petition shall be conducted by the Administrator or such officer or employee of the Office of Price Administration (hereinafter referred to as the "presiding officer") as the Administrator may appoint or designate for that purpose. Any such appointment or designation may be made or revoked at any time.

(b) The oral hearing shall be conducted in such manner as will permit the protestant, applicant, or petitioner to present evidence and argument to the fullest extent compatible with expeditious decision of the issues. To this end:

- (1) The rules of evidence prevailing in courts of law or equity shall not be controlling; and

(2) The presiding officer, having due regard to the need for expeditious decision and for fair treatment to the protestant, applicant, or petitioner, may restrict oral argument and the examination and cross-examination of witnesses: *Provided*, That in no event shall this section be construed to limit the right of the protestant, applicant, or petitioner to submit affidavits or other written evidence or arguments.

[§ 1300.232 as amended by Am. 3, 8 F.R. 5481, effective 4-24-43]

§ 1300.233 *Filing of briefs*. The presiding officer shall allow the protestant, applicant, or petitioner to file briefs or written arguments within such time as he shall designate.

[§ 1300.233 as amended by Am. 3, 8 F.R. 5481, effective 4-24-43]

§ 1300.234 *Subpoenas*. (a) Any protestant, applicant, or petitioner may apply for a subpoena in connection with an oral hearing. Applications for subpoenas when made prior to the oral hearing shall be filed as follows: (1) in connection with a protest against a provision of a maximum rent regulation or order, with the Secretary, Office of Price Administration, Washington, D. C.; (2) in connection with a proceeding under §§ 1300.207 to 1300.210, inclusive, of this regulation, with the rent director or regional administrator, as the case may be, before whom such proceeding is pending. The Administrator may grant or deny an application for a subpoena or refer it to the presiding officer appointed or designated under § 1300.232 who may thereafter grant or deny the application. Applications for subpoenas made during the oral hearing shall be submitted to the presiding officer, who may grant or deny such application.

[Paragraph (a) amended by Am. 1, 8 F.R. 1798, effective 2-13-43 and Am. 3, 8 F.R. 5481, effective 4-24-43]

(b) All applications for subpoenas shall specify the name of the witness and the nature of the facts to be proved by him and, if calling for the production of documents, shall specify them with such particularity as will enable them to be identified for purposes of production.

(c) Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person and by tendering to him the fees and mileage specified in section 202 (f) of the Act. When the subpoena is issued at the instance of the Administrator, fees and mileage need not be tendered.

§ 1300.235 *Witnesses*. Witnesses summoned before the presiding officer at any hearing shall be paid the fees and mileage specified by section 202 (f) of the Act. Witness fees and mileage shall be paid by the person at whose instance the witness appears.

§ 1300.236 *Contemptuous conduct*. Contemptuous conduct at any oral hearing shall be ground for exclusion from the hearing. The refusal of a witness to answer any question which has been ruled to be proper shall, in the discretion of the presiding officer, be ground for

the striking out of all testimony previously given by such witness on related matters.

§ 1300.237 *Stenographic report of oral hearing*. A stenographic report of the oral hearing shall be made, a copy of which shall be available for inspection during business hours in the office of the Secretary, Office of Price Administration, Washington, D. C., or in the appropriate regional office or defense-rental area office.

Opinion and Transcript of Protests

§ 1300.238 *Opinion denying protest in whole or in part*. In the event that the Administrator denies any protest in whole or in part, he shall inform the protestant of the grounds upon which such decision is based, and of any economic data and other facts of which the Administrator has taken official notice. Any order entered in such protest proceedings shall be effective from the date of its issuance unless otherwise provided in such order.

§ 1300.239 *Treatment of protest as petition for amendment or for adjustment or other relief*. Any protest filed against a provision of a maximum rent regulation may, in the discretion of the Administrator, be treated not only as a protest but also as a petition for amendment of the regulation protested, or as a petition for adjustment or other relief pursuant thereto, when the facts produced in connection with the protest justify such treatment.

§ 1300.240 *Transcript for judicial review*. The transcript for judicial review shall include:

- (a) The designation of the defense-rental area;
- (b) The rent declaration;
- (c) The maximum rent regulation or order against a provision of which the protest was filed;
- (d) The protest;
- (e) A statement setting forth, as far as practicable, the economic data and other facts of which the Administrator has taken official notice; and
- (f) Such other portions of the proceedings in connection with the protest as are material under the complaint.

SUBPART D—INTERPRETATIONS

§ 1300.241 *Interpretations*. An interpretation given by an officer or employee of the Office of Price Administration with respect to any provision of the Act or any maximum rent regulation or order thereunder, will be regarded by the Office of Price Administration as official only if such interpretation was requested and issued in accordance with §§ 1300.242 to 1300.244, inclusive, of this regulation. Action taken in reliance upon and in conformity with an official interpretation and prior to any revocation or modification thereof or to any superseding thereof by regulation, order or amendment, shall constitute action in good faith pursuant to the provision of the Act, or of the regulation or order to which such official interpretation relates. An official interpretation shall be applicable only with respect to the particular

person to whom, and to the particular factual situation with respect to which, it is given unless issued as an interpretation of general applicability.

§ 1300.242 *Requests for interpretations: Form and contents*. Any person desiring an official interpretation of the Emergency Price Control Act of 1942, or of any maximum rent regulation or order thereunder, shall make a request in writing for such interpretation. Such request shall set forth in full the factual situation out of which the interpretative question arises and shall, so far as practicable, state the names and post office addresses of the persons and the location of the housing accommodations involved. If the inquirer has previously requested an interpretation on the same or substantially the same facts, his request shall so indicate and shall state the official or office to whom his previous request was addressed. No interpretation shall be requested or given with respect to any hypothetical situation or in response to any hypothetical question.

§ 1300.243 *Interpretation to be written: Authorized officials*. Official interpretations shall be given only in writing, signed by one of the following officers of the Office of Price Administration: the Administrator, the general counsel, any associate or assistant general counsel, any regional attorney, any regional rent attorney, any chief attorney for a State or district or defense-rental area office, and any district rent attorney: *Provided*, That interpretations of general applicability shall be given only by the Administrator, the general counsel, or any associate or assistant general counsel.

§ 1300.244 *Revocation or modification of interpretations*. Any official interpretation, whether of general applicability or otherwise, may be revoked or modified by a publicly announced statement by any official authorized to give interpretations of general applicability or by a statement or notice by the Administrator or general counsel published in the FEDERAL REGISTER. An official interpretation addressed to a particular person may also be revoked or modified at any time by a statement in writing mailed to such person and signed by the general counsel or any associate or assistant general counsel. An official interpretation addressed to a particular person by a regional attorney, a regional rent attorney, or a chief rent attorney for a defense-rental area office may also be revoked or modified at any time by a statement in writing mailed to such person and signed by the attorney who issued it or by his successor.

SUBPART E—MISCELLANEOUS PROVISIONS AND DEFINITIONS

§ 1300.245 *Filing of notices, etc.* All notices, reports, registration statements and other documents which a landlord is required to file pursuant to the provisions of any maximum rent regulation shall be filed with the appropriate defense-rental area office, unless otherwise provided in such maximum rent regulation or in this regulation.

§ 1300.246 *Service of papers.* Notices, orders and other process and papers may be served personally or by leaving a copy thereof at the residence or principal office or place of business of the person to be served, or by mail, or by telegraph. When service is made personally or by leaving a copy at the residence or principal office or place of business, the verified return of the person serving or leaving the copy shall be proof of service. When service is by registered mail or telegraph the return post office receipt or telegraph receipt shall be proof of service. When service is by unregistered mail, an affidavit that the document has been mailed shall be proof of service.

§ 1300.247 *Action by representative.* Any action which by this regulation is required of, or permitted to be taken by a landlord may, unless otherwise expressly stated, be taken on his behalf by any person whom the landlord has authorized to represent him. Such authority shall be given by written power of attorney where the action is in connection with an application for review, a petition for amendment, or a protest. In such cases the power of attorney, signed by the landlord, shall be filed at the time action on his behalf is taken.

[§ 1300.247 as amended by Am. 4, 8 F.R. 14811, effective 11-1-43]

§ 1300.248 *Secretary: Office hours.* The office of the Secretary, Office of Price Administration, Washington, D. C., shall be open every day except Sunday from 9 a. m. until 5 p. m. Any person desiring to file any papers, or to inspect any documents filed with such office at any time other than the regular office hours stated, may file a written application with the Secretary, requesting permission therefor.

§ 1300.249 *Confidential information, inspection of documents filed with Secretary.* Protests and all papers filed by protestants in connection therewith are public records, open to inspection in the office of the Secretary upon such reasonable conditions as the Secretary may prescribe. Except as provided above, confidential information filed with the Office of Price Administration will not be disclosed, unless the Administrator determines the withholding thereof to be contrary to the interests of the national defense and security.

§ 1300.250 *Appearance of Office of Price Administration employees and former employees before the Office of Price Administration.* Appearance of Office of Price Administration employees and former employees in a representative capacity before the Office of Price Administration shall be governed by the provisions of Procedural Regulation No. 14.

[§ 1300.250 as amended by Am. 5, effective 2-9-44]

§ 1300.251 *Definitions.* As used in this regulation, unless the context otherwise requires, the terms:

(a) "Act" means the Emergency Price Control Act of 1942 (Public Laws 421, 77th Cong.).

(b) "Administrator" means the price Administrator of the Office of Price Administration or such person or persons as he may appoint or designate to carry out any of the duties delegated to him by the Act.

(c) "FEDERAL REGISTER" means the publication provided for by the Act of July 26, 1935 (49 Stat. 500), as amended.

(d) "Maximum rent regulation" means any regulation establishing a maximum rent.

(e) "Maximum rent" means the maximum rent established by any maximum rent regulation or order for the use of housing accommodations within any defense-rental area.

(f) "Date of issuance," with respect to a maximum rent regulation, means the date on which such maximum rent regulation is filed with the Division of the Federal Register.

(g) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(h) "Protestant" means a person subject to any provision of a maximum rent regulation or order who files a protest in accordance with Section 203 (a) of the Act.

(i) "Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(j) "Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(k) "Housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishing, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(l) "Defense-rental area" means the District of Columbia and any area designated by the Administrator as an area where defense activities have resulted or threaten to result in an increase in the rents for housing accommodations inconsistent with the purposes of the Act.

(m) "Rent director" means the person designated by the Administrator as director of any defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the rent director by the Administrator.

(n) "Regional administrator" means the person designated by the Administrator as administrator of any regional office established by the Office of Price Administration or such person or per-

sons as may be designated to carry out any of the duties delegated to the regional administrator by the Administrator.

§ 1300.252 *Amendment of this regulation.* Any provision of this regulation may be amended or revoked by the Administrator at any time. Such amendment or revocation shall be published in the FEDERAL REGISTER and shall take effect upon the date of its publication, unless otherwise specified therein.

§ 1300.253 *Effective date of Revised Procedural Regulation No. 3.* Sections 1300.209 and 1300.210 of this regulation are applicable to petitions for adjustment or other relief which are denied in whole or in part by the rent director, or to orders entered by the rent director pursuant to § 1300.207 of this regulation, on or after the effective date of this regulation. Protests against such denials or orders entered prior to February 1, 1943, shall be filed and acted upon pursuant to the applicable provisions of Procedural Regulation No. 3 as heretofore and such provisions are continued in effect for this purpose except that such protests properly addressed to the appropriate Regional Office, bearing a postmark dated within the applicable sixty-day period specified in Procedural Regulation No. 3 but received after the expiration thereof, shall be deemed to have been filed on the date of the postmark. This regulation shall become effective February 1, 1943.

[Issued January 12, 1943]

§ 1300.253a *Effective dates of amendments.*

[Effective dates of amendments are shown in notes following parts affected.]

Issued this 9th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2918; Filed, February 10, 1944; 4:29 p. m.]

PART 1352—TOBACCO

[MFR 494, Amdt. 2]

DOMESTIC CIGAR FILLER AND BINDER TOBACCO OF THE 1943 CROP

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 494 is amended in the following respects:

1. Section 2 is amended by adding a new paragraph (d) to read as follows:

(d) For sellers reselling tobacco (other than low grades) in substantially the same form. The maximum price of a seller reselling domestic cigar filler or binder tobacco (other than low grades covered by Table III of paragraph (c)) in substantially the same form as when purchased from a grower or grower co-operative shall be the maximum price

*Copies may be obtained from the Office of Price Administration.

18 F.R. 15663, 16323.

of the particular type and grade of the tobacco as set forth in Table I or Table II of paragraph (a) of this section.

2. Section 2a, is added to read as follows:

Sec. 2a. Maximum prices for sellers unable to price under section 2. A seller who cannot determine his maximum price for a sale of any particular type and grade of domestic cigar filler or binder tobacco of the 1943 crop under section 2, shall apply by letter to the Office of Price Administration, Washington, D. C., requesting that a maximum price be established for the particular tobacco. A statement should be furnished setting forth (a) the name and address of the buyer of any tobacco that cannot be priced under section 2; (b) a description of the tobacco by type and grade; and (c) the reasons why the seller is unable to determine his maximum price under section 2.

Upon receipt of the application, the Office of Price Administration will by order establish a maximum price, or prescribe a method of determining a maximum price for the applicant. Until a maximum price is established, or a method of determining a maximum price is prescribed, the applicant may deliver the tobacco but he may not receive payment for it.

This amendment shall become effective February 10, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of February 1944.

CHESTER BOWLES,
Administrator.

Approved: February 9, 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-2019; Filed, February 10, 1944;
4:20 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS [MPR 395-A]

DISTILLED SPIRITS SHIPPED FROM THE VIRGIN ISLANDS OF THE UNITED STATES

Preamble. In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1418.156 *Distilled spirits shipped from the Virgin Islands of the United States.* Under the authority vested in the

*Copies may be obtained from the Office of Price Administration.

Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation 395-A (Distilled spirits shipped from the Virgin Islands of the United States), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1418.156 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION No. 395-A—DISTILLED SPIRITS SHIPPED FROM THE VIRGIN ISLANDS OF THE UNITED STATES

- Sec.**
1. Scope.
2. Maximum prices.
3. Definitions.
4. Compliance with this regulation.
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SECTION 1. Scope—(a) Generally. This regulation applies to all sales of rum produced in the Virgin Islands (U. S.) and shipped to the continental United States. Specifically, the following types of sales of rum produced in the Virgin Islands (U. S.) are covered:

(1) Sales consummated in the Virgin Islands (U. S.) by any person to any importer.

(2) Sales consummated in the continental United States by any person to any importer.

(b) *Persons.* This regulation applies to sales by any person, including but not limited to a distiller, rectifier, compounder, bottler, export broker, or agent of the foregoing.

(c) *Effect on other regulations.* This regulation supersedes the General Maximum Price Regulation and any orders or interpretations issued thereunder concerning the sales covered herein.

Sec. 2. Maximum prices—(a) F. o. b. bulk maximum prices. Maximum prices f. o. b. port of embarkation of the Virgin Islands (U. S.) for sales in bulk of rum produced in the Virgin Islands (U. S.), when such sales are consummated in the Virgin Islands (U. S.) by any person to any importer, shall be \$2.75 per proof gallon.

(b) *F. o. b. bottled maximum prices.* Any person who bottles rum in the Virgin Islands (U. S.) may apply to the Director of the Office of Price Administration at St. Thomas, Virgin Islands (U. S.), for maximum prices applicable to f. o. b. sales of bottled rum to an importer. The Director may authorize such maximum prices as are in line with the maximum prices established in paragraph (a).

(c) *Other maximum prices.* Maximum prices for sales of rum produced in the Virgin Islands (U. S.), when such sales are consummated in the continental United States by any person to any importer, shall be the maximum prices established by either paragraph (a) or (b), whichever is applicable, to

* Maximum prices for sales of rum for use and consumption in the Virgin Islands (U. S.) must be established under the General Maximum Price Regulation for other applicable regulations which may hereafter be issued.

which may be added the following items to the extent actually paid by the seller:

(1) *Insurance.* Insurance charges for the period during which the rum is in transit to the importer's receiving point, including war risk insurance at rates not in excess of applicable rates published by the War Shipping Board;

(2) *Freight.* Ocean freight from port of embarkation in the Virgin Islands (U. S.) to port of arrival in the continental United States; and inland freight from port of arrival to the importer's receiving point, exclusive of charges for hauling, drayage or handling within the metropolitan area of such point. Only the freight actually paid at the rate paid shall be included.

(3) *Taxes.* United States excise taxes, United States customs duties, United States rectification taxes and one cent for each strip stamp affixed to individual containers, only to the extent actually paid by the seller.

(d) *No other additions.* The maximum prices established in this section are gross prices, including cooage, outage, leakage, Virgin Islands (U. S.) export taxes, and no additions may be made except those specifically permitted herein.

SEC. 3. Definitions. When used in this regulation, the term:

(a) "Bulk" or "in bulk", when used with reference to rum, means rum in containers having a capacity in excess of one wine gallon.

(b) "Importer" means any person who is the first consignee within the continental United States of rum being imported for resale, holding an importer's permit issued under the provisions of the Federal Alcohol Administration Act.

(c) "Inland freight" means lawful freight charges for movement by common or contract carrier. Such charges shall include any applicable Federal tax, on transportation and, unless otherwise provided, shall be figured at the lowest available rate. Where the seller uses his own vehicle, such charges shall be figured at the lowest rate for transportation over the same distance by common or contract carrier, exclusive of Federal tax.

(d) "Metropolitan area" of a particular place means the territory within the same municipality and the territory adjacent thereto within the same marketing area.

(e) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof.

(f) "Port of embarkation" means the place outside the continental United States from which rum to be imported is shipped by water to the continental United States.

(g) "Rum" means a commodity included in Class 5 of Article II of Regulation No. 5 Relating to the Labeling and Advertising of Distilled Spirits, issued under the provisions of the Federal Alcohol Administration Act, as amended.

Sec. 4. Compliance with this regulation—(a) No buying or selling above maximum prices. On and after the

effective date of this regulation, regardless of any contract, agreement or other obligation, no person to whom this regulation applies shall sell or supply, and no person in the course of trade or business shall buy or receive any rum at prices higher than the maximum price applicable to such sale under this regulation, and no person shall agree, offer, solicit or attempt to do any of the foregoing. However, prices lower than the maximum price may be charged or paid.

(b) *Evasion.* The maximum prices established under this regulation shall not be evaded by direct or indirect methods, whether by finder's fee, brokerage, commission, service, transportation or other charge or discount, premium or other privilege; by tying agreement or trade understanding; by any change in the method of consummating sales, or in style or manner of packing; or in any other way.

(c) *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement action and suits for treble damages provided for by the Emergency Price Control Act of 1942, and to proceedings for the suspension of licenses.

(d) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

Sec. 5. *Records.* Every person selling or supplying any rum for which, upon sale by that person, maximum prices are established under this regulation shall keep and make available for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, copies of all invoices rendered to the buyer which shall separately state the price charged for the rum, the freight, insurance and taxes added to such price as permitted under section 2 (c) if any.

Sec. 6. *Petition for amendment.* Any person seeking an amendment of general applicability to this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

Sec. 7. *Intra-island sales.* Any person in the Virgin Islands (U. S.) who desires to sell to another person therein rum ultimately destined for shipment to the continental United States may apply for a maximum price applicable to such sale to the Director for the Office of Price Administration at St. Thomas, Virgin Islands (U. S.). The Director in his discretion may issue an order granting such maximum price not in excess of the maximum prices established in section 2 (a) or 2 (b) upon being satisfied that such rum is ultimately destined for shipment to the continental United States.

Effective date. This regulation shall become effective February 11, 1944.

NOTE: All reporting and record-keeping requirements of this regulation have been ap-

proved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 10th day of February 1944.
CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1996; Filed; February 10, 1944;
11:43 a. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[RPS 85; Amdt. 13]

NEW PASSENGER AUTOMOBILES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

1. In § 1360.51 the text of paragraph (c) preceding subparagraph (1) is amended to read as follows:

(c) To the maximum price may be added an amount equal to 1% of the list price of the automobile, or \$15, whichever is lower, for each calendar month, or greater part thereof, within the period from February 1, 1942 up to and including, whichever is earlier, April 30, 1944 or the date of sale of the automobile at wholesale: *Provided*, That no amount whatsoever under this paragraph (c) shall be added to the maximum wholesale price unless the automobile sold shall have received while in storage maintenance operations as set forth in subparagraphs (1), (2), (3) or (4) of this paragraph (c), and the seller at the time of delivery shall execute and deliver to the purchaser and to the Office of Price Administration the certification set forth in § 1360.52 (b).

2. In § 1360.52 the text of paragraph (e) preceding subparagraph (1) is amended to read as follows:

(e) An allowance (hereinafter called increment) equal to 1% of the list price of the automobile, or \$15, whichever is lower, for each calendar month, or greater part thereof, within the period from February 1, 1942 up to and including, whichever is earlier, April 30, 1944 or the date of delivery of the automobile to the purchaser, subject to the following conditions and qualifications:

3. In § 1360.52 (e) subparagraphs (2), (3) and (4) are redesignated (3), (4) and (5) respectively, and a new subparagraph (2) is added to read as follows:

(2) Increment may be included without the performance of the maintenance operations in Appendix B for any period that the automobile is kept in a customary sales room on display for sale, or is used as a demonstrator, company owned or executive car.

This amendment shall become effective February 17, 1944.

*Copies may be obtained from the Office of Price Administration.

17 F.R. 1364, 1675, 2134, 2132, 6043, 6397, 7100, 7436, 7942, 8948, 9339; 8 F.R. 1450, 2049, 3213.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7371; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of February 1944.
CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2923; Filed, February 11, 1944;
11:26 a. m.]

PART 1381—SOFTWOOD LUMBER

[2d Rev. MPR 219]

NORTHEASTERN SOFTWOOD LUMBER

Revised Maximum Price Regulation No. 219 is redesignated Second Revised Maximum Price Regulation 219 and is revised and amended to read as follows:

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1381.301 *Maximum prices for Northeastern softwood lumber.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Second Revised Maximum Price Regulation No. 219 (Northeastern Softwood Lumber), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1381.301, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7371; E.O. 9323, 8 F.R. 4631.

SECOND REVISED MAXIMUM PRICE REGULATION No. 219—NORTHEASTERN SOFTWOOD LUMBER

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Sec.

1. Prices higher than ceiling prohibited.
2. To what products and transactions this regulation applies.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

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4. Addition for direct-mill retail sales.
5. Transportation charges.
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Sec.

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ARTICLE VII—APPENDIX D: NEW ENGLAND AND IMPORTED EASTERN HEMLOCK LUMBER: PRICE TABLES

26. Application of Appendix D.
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ARTICLE VIII—APPENDIX E: EASTERN HEMLOCK LUMBER PRODUCED IN NEW YORK, PENNSYLVANIA, MARYLAND, WEST VIRGINIA, KENTUCKY, VIRGINIA, TENNESSEE, NORTH CAROLINA, SOUTH CAROLINA AND GEORGIA: PRICE TABLES

30. Application of Appendix E.
31. Grading rules.
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ARTICLE IX—APPENDIX F: OTTAWA VALLEY WHITE AND NORWAY PINE: PRICE TABLES

33. Application of Appendix F.
34. Grading rules.
35. Maximum prices.
36. Transportation adjustment.

ARTICLE I—SCOPE OF THE REGULATION

SECTION 1. *Prices higher than ceiling prohibited.* (a) On and after February 17, 1944, regardless of any contract or other obligation, no person shall sell or buy for direct-mill shipment, or deliver or receive on direct-mill shipment, any Northeastern softwood lumber at prices higher than the ceiling prices fixed by this regulation; and no person shall agree, offer or attempt to do any of these things.

(b) Prices lower than the ceiling prices may, of course, be charged and paid.

Sec. 2. *To what products and transactions this regulation applies*—(a) *Products covered.* This regulation covers, under the name of "Northeastern softwood lumber", all items of lumber of the following softwood species produced in the States of Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, Pennsylvania, Maryland, West Virginia, Kentucky, Virginia, Tennessee, North Carolina, South Carolina and Georgia, and in that part of the Dominion of Canada located east of the 85th meridian: Northeastern white pine (*Pinus strobus*), Norway pine (*Pinus resinosa*), Eastern hemlock (*Tsuga canadensis*), Eastern spruce (*Picea rubra*, *Picea Mariana*, and *Picea glauca*), Eastern white cedar (*Thuja occidentalis*), and Jack pine (*Pinus banksiana*), and of all other softwood species except Southern pine (covered by Second RMPR 19), Cypress (covered by MPR 412, GMPR or other maximum price regulations) and Cedar (covered by MPR 454), whether the item or species is specifically named in the price tables or not.

(b) *Transactions covered.* This regulation covers, under the term "sales for direct-mill shipment", all sales of Northeastern softwood lumber, no matter who the seller is, and regardless of the quantity involved, except sales of Northeast-

ern softwood lumber which was part of the regular stock of a distribution yard at the time the sale was made.

(1) *How to tell a mill from a distribution yard.* The term "mill", as used here, covers what are known in the trade as sawmills, planing mills and concentration yards. Three types of establishment are described below: the first (1), a typical sawmill or planing mill; the second (2), a typical concentration yard; and the third (3), a typical distribution yard. An establishment which resembles (1) or (2) more than it does (3) is considered a mill; and one which resembles (3) more than it does (1) and (2) is considered a distribution yard.

(i) "A typical sawmill or planing mill" is an establishment which is chiefly engaged in manufacturing lumber from logs or rough lumber by sawing or planing; which is located in or near a lumber producing area; which makes and sells chiefly Northeastern softwood lumber;

(ii) "A typical concentration yard" is an establishment which concentrates and prepares lumber for commercial shipment, which keeps in stock mostly Northeastern softwood lumber, which has its lumber brought in chiefly in rough green form by truck from small local sawmills and sells chiefly for rail or full truck-load shipment, and which has been located at its particular site to be near the lumber producing area;

(iii) "A typical distribution yard" is a wholesale or retail lumber yard which gets lumber from mills or other yards; unloads, sorts, and resells or redistributes it; which regularly maintains a varied stock of lumber from different regions; which gets its lumber, except for local species, mostly by rail and sells mostly for truck shipment; which is equipped to make quick deliveries of many different items of lumber; and which has been located at its particular site in order to be near a lumber consuming area.

(2) *New yards or changed status.* In order to prevent violation of this regulation by unnecessary routing through yards, the Office of Price Administration will not recognize distribution yards, either new or resulting from a change in operations, set up after May 24, 1943, unless the yard writes to the Lumber Branch of the Office of Price Administration, Washington 25, D. C., and proves that it satisfies the requirements of the definition and that the purpose is not to get around this regulation by means of unnecessary yard business. Until approval is received, the new yard cannot consider itself a distribution yard for the purpose of this regulation.

(3) *"CPA contract yards".* "CPA yards" as defined in Second Revised Maximum Price Regulation 215¹ are considered distribution yards, regardless of the above requirements.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

Sec. 3. *Basic prices and cash discount*—(a) *Basic prices.* The maximum f. o. b. mill prices for domestic Northeastern softwood lumber are set forth in

Appendices A, B, C, D, and E. The maximum base prices for imported Northeastern softwood lumber are set forth in Appendices A, C, D, and F; and the transportation charges provided in these Appendices shall be added to arrive at the maximum delivered prices to points within the United States.

(b) *Cash discount.* If cash is paid the maximum price must be reduced by the seller's August 1941 cash discount. When a seller was not in business in August 1941, 2% cash discount for payment in 10 days shall be allowed. On specific written allocations issued by the Office of the Chief of Engineers, War Department, the terms 30 days net may be used by the seller regardless of his established practice.

(c) If the purchaser himself makes the pick-up at the mill, the maximum price shall be reduced \$2.00 per M³BM.

Sec. 4. *Addition for "direct mill retail sales."* In the case of sales of less than 2,500 feet to any buyer except mills or distribution yards, a handling charge of \$5.00 per M³BM may be added to the f. o. b. mill price, together with a percentage mark-up of 10% of the total so obtained, provided the seller expressly agrees;

(a) To see that the lumber is delivered to the job site or buyer's plant at such time and in such quantities as the buyer specifies;

(b) To give the buyer the privilege of exchanging the lumber and returning unused material;

(c) To make good any shortage from stocks kept on hand for this purpose. The size of the sale is determined by the over-all amount involved in the transaction. Thus, if the buyer and seller know that a particular shipment will run to 10 M³BM, the addition may not be made even if the order is broken into five orders of 2 M³BM and delivered on five different days in loads of 2 M³BM.

Sec. 5. *Transportation charges*—(a) *Domestic lumber*—(1) *Private truck.* When shipment is by truck owned or controlled by the seller, the following amounts may be added for transportation: For distances up to and including 10 miles, \$1.50 per M³BM; over 10 and up to and including 20 miles, \$2.00 per M³BM; and over 20 and up to and including 30 miles, \$2.50 per M³BM. Where the distance is greater than 30 miles, the seller may charge the amount of the railroad charge at the carload rate for the most similar haul or \$3.00 per M³BM, whichever is greater. Distance, as used in this paragraph, means the distance from the mill to the point of destination as measured by the speedometer. No addition may be made for the return trip.

(2) *Common or contract carrier.* For common or contract carrier shipments, the maximum transportation addition shall be either the rate times the estimated weights in the Appendices, or the actual amount paid to the carrier.

(3) *Truck delivery after rail haul.* Where the shipment is by rail followed by truck delivery, the amount added for transportation may include, in addition to the amount added for rail transportation, the actual cost of the truck delivery.

¹ 8 F.R. 14145.

(4) *Trucking to rails.* Where a truck haul precedes the rail haul, as where a mill located away from a railhead hauls lumber by truck to the railhead, no addition may be made for the truck haul.

(5) *Transportation to planing mill.* Where the lumber is shipped by rail from a mill having milling-in-transit arrangements with a carrier to a planing mill, owned by the same person, for further processing before delivery to the purchaser, that person may apply for permission to figure transportation charges on the basis of the through rail freight rate from the first mill to final destination in the following case:

(i) Where the hurricane of September, 1938, damaged and destroyed a substantial portion of the timber near which the planing mill had been located so that the mill has been compelled to rely primarily on more distant sources of timber; and

(ii) Where it has not been practicable to move the planing mill near other sources of timber because of excessive moving costs, shortages of mill labor and insufficient standing timber in any single location to warrant moving the mill.

The application should be made by letter to the Lumber Branch, of the Office of Price Administration, Washington 25, D. C., and may be acted upon by letter. The addition may not be made on quotations or sales until permission has been received.

(b) *Imported lumber.* In the case of sales of imported lumber the transportation charges that may be added to the maximum basic prices are specifically set forth in the various Appendices dealing with imported Northeastern softwood lumber.

(c) *"Evening-out."* When estimated weights are used, delivered prices shall be evened out to the nearest quarter of a dollar per M'BM, or nearest 5 cents per 1,000 pieces of lath or square of shingles.

Sec. 6. *Species, grades, items, services and extras not listed.* (a) If a seller wishes to sell a species, grade or item of Northeastern softwood lumber which is not specifically priced in the price tables, or wishes to make an addition for special workings, specifications, services, or extras for which additions are not specifically permitted, he must apply to the Lumber Branch of the Office of Price Administration, Washington 25, D. C. for a maximum price. He must submit the following information:

(1) The requested price; (2) a complete description of the material to be priced; and (3) the price differential between it and the most comparable item priced in the price tables between January 1 and August 1, 1941, from the seller's own records, or if that is impossible, from the experience of the trade. If no established price differential existed, detailed analysis of comparable value should be furnished.

Applications under this section will be considered only when accompanied by a true copy of an order or of a customer's inquiry which forms the basis of the application, and a written statement by the purchaser showing that none of the items specifically priced in the regulation will serve the purpose for which the stock

is to be used, and that it has been his custom to purchase lumber on these special specifications.

(b) As soon as the request has been filed, quotations and deliveries may be made at the requested price, but final payment may not be made until the price has been approved. Action on the request may be by letter or telegram. If the Office of Price Administration has not acted within 30 days of the receipt of the request, the requested price is approved.

Sec. 7. *What the invoice must contain—(a) Basic price.* All invoices must contain a complete description of the lumber to show whether the price is proper or not. Any working, specification, or extra which affects the maximum price must be mentioned in the description. The amount added for these does not have to be separately shown.

(b) *Transportation charges.* In delivered sales, the invoice must contain the:

(1) Point of origin of shipment;

(2) Destination;

(3) Rail rate (if estimated weights are used; otherwise the actual amount added for transportation); and in the case of the sales of imported lumber, the method of calculation of the freight addition;

(4) The words "direct-mill shipment".

(c) *Delivery and related charges.* Any separate charge which the seller is permitted to make for truck delivery after rail haul must be separately shown on the invoice.

(d) *Direct-mill retail sales.* If the price exceeds the basic mill price because of the "direct-mill retail sale" mark-up authorized in section 10, the invoice should show the amount of the mark-up separately labeled "Direct-mill retail sale".

(e) *Different freight rates.* When a single order, for which a single flat delivered price was quoted and accepted is shipped from two or more mills to a single destination on varying freight rates, the seller may average-out the transportation charges. For example, if a wholesaler bids \$33.00 per M'BM on a single order of a hundred thousand feet of lumber, the ceiling price being \$30.00 per M'BM and the estimated freight \$3.00, he can ship half of it on a rate resulting in a \$2.00 freight charge and half on a rate resulting in a \$4.00 freight charge. Where this practice is adopted, the seller must observe all of the following conditions:

(1) Each invoice must state that the particular shipment is part of a larger order and identify the order. It must also show the individual rates for each shipment or delivery.

(2) The transportation charges which may be made and collected for each shipment or delivery, on account, must not exceed the average transportation charge figured on the entire order or the actual transportation charge for the particular shipment based upon the permitted estimated weights, whichever is the lower.

(3) Upon completion of the order the seller must render a final invoice showing

the individual f. o. b. mill prices separately, the amount shipped from each mill, the freight charge for each shipment, and a reconciliation of the total amount so computed with the agreed delivered selling prices and also with the maximum prices permitted by this regulation. Final payment and all necessary adjustments between buyer and seller are to be made upon the final reconciliation.

Sec. 8. *Sales for export.* The maximum price at which any person may export Northeastern softwood lumber shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation² issued by the Office of Price Administration.

Sec. 9. *Prohibited practices.—(a) General.* Any practice which is a device to get the effect of a higher than ceiling price without actually raising the dollars-and-cents price is as much a violation of this Regulation as an outright over-ceiling price.

(b) *Specific practices.* The following are some of the specific practices prohibited.

(1) Getting the effect of a higher price by changing credit practices from what they were in August 1941. This includes decreasing credit periods or making greater charges for extension of credit. In any case, on sales made through the Office of the Chief of Engineers, War Department, terms of 30 days net may be used.

(2) Refusing (without good reason) to ship except in specified or restricted random lengths, or under other circumstances which bring the seller an extra return.

(3) Selling as specified lengths or widths a shipment of lumber which is substantially equivalent to standard or random lengths or widths; or reselling as specified lengths or widths a shipment bought by the seller as standard or random lengths or widths.

(4) Grading as a special grade lumber which can be graded as a standard grade; wrongly or falsely grading or invoicing lumber in any way.

(5) Making additions for special specifications, services, or other extras which are not specifically permitted.

(6) Refusing to sell on an f. o. b. mill basis, and insisting on selling on a delivered basis, except in the case of sales of imported Northeastern softwood lumber.

(7) Unnecessarily routing lumber through a distribution yard.

(8) Quoting a gross price above the maximum price, even if accompanied by a discount the effect of which is to bring the net price below the maximum.

(9) Making the buyer take something he does not want in order to get what he does want.

(10) Getting a higher price by charging the buyer for ripping or resawing, or charging on the basis of an original size larger than the item actually delivered (for example, charging the price of 4 x 4 ripped to 2 x 4 on a sale and delivery of 2 x 4's) except where the items ordered and delivered are non-standard sizes not

² 8 F.R. 4192, 5937, 7662, 8333, 15153.

specifically priced in the tables. This prohibition has no application where the item resulting from remanufacture is priced higher in the tables than the original larger size.

(11) Making any of the additions contained in the footnotes to the tables in Articles V to X inclusive, to the prices of the various items set forth in the tables unless the purchaser's order expressly requires the working, grade, condition, size, or length for which the additions are permitted.

(12) Making an addition for double end trimming when standard lengths are ordered and shipped.

(c) *Adding commission to ceiling prohibited.* It is unlawful for any person to charge, receive, or pay a commission for the service of procuring (including buying, selling or locating lumber, or for any related service such as "expediting") which does not involve actual physical handling of lumber, if the commission plus the purchase price results in a total payment by the buyer which is higher than the maximum price of the lumber. For purposes of this regulation, a commission is any compensation, however designated, which is paid for the procurement of lumber. This prohibition has no application to the case of a bona fide employer-employee relationship where the employee serves only one employer, insofar as lumber procurement is concerned, and where the compensation paid by the employer is a fixed salary and is not based directly or indirectly on the quantity, price or value of the lumber in connection with which the service is rendered.

(d) *Combination grades.* Lumber sold in a combination of grades for which no price is established in the regulation may not be sold above the maximum price for the lowest priced grade actually named in the combination. For example, the maximum price for lumber sold as merchantable and selected merchantable is the maximum price fixed for merchantable lumber. But it is permissible to sell a combination of grades where the exact quantity of each grade shipped is separately shown on the invoice and segregated in the car by strips (except timbers) or otherwise easily made identifiable to the purchaser and separately tallied (tally card to be included in car), in which case the appropriate ceiling price for the quantity of each grade shipped may be charged.

SEC. 10. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of shipment; but no person may deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after shipment.

ARTICLE III—MISCELLANEOUS

SEC. 11. *Applications for adjustment and petitions for amendment—(a) Government contracts.* (See Procedural Regulation No. 6.³)

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural

Regulation No. 1,⁴ issued by the Office of Price Administration.

(c) In treating with petitions for amendment or applications for adjustment, consideration will not be given to log and bolt costs which are higher than the applicable maximum purchase prices for logs and bolts established in Maximum Price Regulation 348 (Logs and Bolts),⁵ or any revision or amendment of that regulation. This rule shall be followed regardless of whether the petitioner gets logs and bolts by purchasing them, logging his own standing timber, contracting for the logging of his own standing timber, or any other means. All petitions in any way based on the cost of logs or bolts must show the actual cost to the petitioner of logs and bolts received at his plant during the three months immediately prior to filing the petition, and the cost which would have been incurred by the petitioner if all of these logs and bolts had been purchased by him at ceiling prices. To figure these ceiling prices the petitioner should refer to the regulation which fixes the maximum prices for purchases and sales of the kinds of logs and bolts received at his plant.

SEC. 12. *Records.* All sellers of Northeastern softwood lumber must keep, for two years, records which show a complete description of the items of lumber sold, the name and address of the buyer, the date of the sale and the price. Buyers must keep similar records, including the name and address of the seller. These records must be kept for any month in which the seller or buyer sold or bought 5,000 feet board measure or more of Northeastern softwood lumber.

SEC. 13. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

⁴ 7 F.R. 8961; 8 F.R. 3313, 3533.

⁵ 8 F.R. 16115, 16198, 16204, 16297.

SEC. 14. *Licensing.* The provisions of Licensing Order No. 1,⁶ licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

ARTICLE IV—APPENDIX A: SQUARE-EDGE WHITE PINE

SEC. 15. *Application of Appendix A.* This appendix applies to domestic Northeastern white pine lumber processed square edge (i. e., sawn or processed square on four sides), and to imported Northeastern white pine lumber processed square edge shipped from mills located in that part of the Dominion of Canada east of the Province of Ontario, when sold on the specifications and on the grades designated below. (Maximum prices for Northeastern white pine lumber shipped from mills located in that part of the Province of Ontario lying east of the 85th Meridian, known as Ottawa Valley White Pine, are set forth separately in Appendix F.)

SEC. 16. *Grading rules.* Grade terms in this Appendix have the meaning set forth in "Standard Grading Rules for Northern White Pine and Norway Pine" (Northeastern type) published by the Northeastern Lumber Manufacturers Association, Inc., effective January 1, 1937.

SEC. 17. *Maximum prices.* The maximum f. o. b. mill price for domestic Northeastern white pine lumber processed square-edge, and the maximum base price for imported Northeastern white pine lumber other than Ottawa Valley white pine lumber processed square edge shall be as set forth below. These prices are for 1,000 feet board measure of lumber in a rough air-dried condition.

⁶ 8 F.R. 13240.

TABLE 1—NORTHEASTERN WHITE PINE PROCESSED SQUARE EDGE ROUGH—AIR DRIED

Random lengths	C select and better	D select and better	No. 1 and No. 2 common	No. 3 common	No. 4 common	No. 5 common
1" x 3".....	\$81.00	\$71.00	\$54.00	\$42.50	\$37.00	\$33.00
1" x 4".....	80.50	70.50	51.00	42.00	35.00	29.00
1" x 5".....	81.50	71.50	51.50	41.00	36.00	28.00
1" x 6".....	83.00	73.00	54.50	44.00	40.00	32.00
1" x 7".....	83.00	73.00	54.50	41.00	40.00	32.50
1" x 8".....	86.00	76.00	57.00	44.50	40.00	33.50
1" x 9".....	86.00	76.00	57.00	44.50	40.00	34.50
1" x 10".....	91.00	81.00	57.00	46.50	40.00	34.50
1" x 11".....	91.00	81.00	57.00	46.50	40.00	34.50
1" x 12".....	103.00	93.00	67.00	52.00	42.00	34.50
1" x 13" and wider.....	106.00	96.00	68.00	53.00	41.00	37.00
1" x 4" and wider av. 7" to 8".....	84.00	74.00	55.00	43.75	39.75	32.50
1" x 5" and wider av. 8" to 9".....	85.50	75.50	56.50	44.00	40.00	33.00
1" x 6" and wider av. 9" or over.....	86.00	76.00	57.00	44.50	40.00	33.50

ADDITIONS AND DEDUCTIONS PER M³BM TO THE ABOVE PRICES

	C select	D select	No. 1 and No. 2 common	No. 3 common	No. 4 common	No. 5 common
For thickness:						
1. 5/4" to 8/4" add.....	\$10.00	\$10.00	\$7.00	\$3.00	\$2.00	\$2.00
2. 9/4 and thicker add.....	15.00	15.00	8.00	3.00	3.00	3.00
For length:						
3. For specified lengths, add \$2.00 per 1,000 board feet.....						
For condition:						
4. For green, deduct \$2.00 per 1,000 board feet.....						

³ 7 F.R. 5087, 5064; 8 F.R. 6173, 6174, 12024.

	5,000 ft. B. M. or over	1,000 to 4,999 ft. B. M.	Notched under 1,000
For working:			
5. S1S.....	\$3.00	\$3.25	\$3.25
6. S2S.....	3.00	3.25	3.25
7. S4S.....	4.00	4.25	4.25
8. S2S and match.....	4.00	4.25	4.25
9. S1S and clip to exact length.....	3.25	3.50	3.50
10. S2S and clip to exact length.....	3.25	3.50	3.50
11. S4S and clip to exact length.....	4.25	4.50	4.50
12. Clipping only to exact length.....	3.00	3.25	3.25
13. Bead 1 side add to S4S.....	1.00	1.25	1.25
14. Bead 2 sides add to S4S.....	1.25	1.50	1.50
15. S2S and resaw 1 cut.....	5.00	5.25	5.25
16. S4S and resaw 1 cut.....	6.00	6.25	6.25
17. S2S and resaw 2 cuts.....	6.00	6.25	6.25
18. S4S and resaw 2 cuts.....	7.00	7.25	7.25
19. Resaw rough-1 cut.....	4.00	4.25	4.25
20. Resaw rough-more than 1 cut, add per cut.....	2.25	2.50	2.50
21. Resaw 1 cut and S2S each piece.....	6.00	6.25	6.25
22. Resaw 1 cut and S4S each piece.....	8.25	8.50	8.50
23. Rip per cut.....	2.25	2.50	2.50
24. S4S and bevel resaw.....	6.00	6.25	6.25
25. Siding to pattern.....	8.00	8.25	8.25
26. Other patterns 4" or wider.....	8.00	8.25	8.25
27. Cross cutting-per cut.....	1.00	1.25	1.25
28. For dressing thicker than standard, for each 1/2" add to above charges.....	.75	.75	.75
29. For bundling.....	1.25	1.25	1.25

TABLE 2—LOG RUN NORTHEASTERN WHITE PINE PROCESSED SQUARE EDGE ROUGH—AIR DRIED

4 1/4" and thicker..... \$41.00

ADDITIONS AND DEDUCTIONS PER M'B.M. TO THE ABOVE PRICE

For condition: 1. For green, deduct \$2.00 per 1,000 board feet. Green lumber is lumber which contains a moisture content in excess of 19% by weight.

TABLE 3—ESTIMATED WEIGHTS PER THOUSAND FEET—DRY

	Pounds
Rough.....	2,500
S1S, S2S.....	2,000
S4S.....	1,800

SEC. 18. *Transportation addition on imported lumber.* (For domestic transportation addition, see section 11). In the case of sales of imported Northeastern white pine lumber, the amount that may be added to the maximum base price for transportation is the railroad freight from Campbellton, New Brunswick, to the point of delivery in the United States, computed on the lowest through rate. This rule applies regardless of the point of origin, and whether the lumber is shipped by rail or truck. The freight shall be computed on the basis of the estimated average weights set forth in Table No. 3 above, and the final amount shall be even out to the nearest quarter of a dollar per M'B.M. No addition may be made to the maximum base price for duty or for any charges or fees incurred in importation.

ARTICLE V—APPENDIX B: ROUND-EDGE WHITE PINE: PRICE TABLES

SEC. 19. *Application of Appendix B.* This appendix applies to domestic Northeastern white pine lumber processed round edge (i. e. sawn or processed by sawing two sides without sawing or otherwise processing edges), sold on the specifications and on the grades designated below.

SEC. 20. *Grading rules.* Grade terms used herein have the meaning set forth in "Standard Grading Rules for Northern White Pine and Norway Pine" (Northeastern type), published by the Northeastern Lumber Manufacturers Association, Inc., effective January 1, 1937.

SEC. 21. *Maximum prices.* The maximum f. o. b. mill price for 1,000 feet board measure of Northeastern white pine lumber processed round edge, in a rough air-dried condition, shall be as set forth below.

TABLE 4—NORTHEASTERN WHITE PINE LUMBER PROCESSED ROUND EDGE ROUGH—AIR DRIED

Dry	On trucks	Loaded on rail-cars	Loaded on road-cars
4 1/4" and thicker, log run.....	\$20.00	\$22.00	\$31.00
Box sides.....	19.00	22.00	24.00

NOTE: The use of estimated weight of 3,000 lbs. per thousand feet for freight charges for dry lumber is permissible.

TABLE 5—EASTERN SPRUCE—FULL SAWN BOARDS—ROUGH (For Jack Pine and Norway Pine, see notes 31 and 32)

Grade	Random length odd and even 8' to 20'	Random length even 8' to 20'	Specified length 8' to 15' inc.	Specified length 15'	Specified length 17' and/or 19'	Specified length 11' and/or 20'
No. 1 (merchantable):						
1x2.....	\$22.00	\$12.00	\$11.00	\$12.00	\$13.00	\$13.00
3.....	41.00	42.00	43.00	44.00	45.00	45.00
4.....	41.00	42.00	43.00	44.00	45.00	45.00
5.....	41.00	42.00	43.00	44.00	45.00	45.00
6.....	43.00	44.00	45.00	46.00	47.00	47.00
7.....	43.00	44.00	45.00	46.00	47.00	47.00
8.....	45.00	46.00	47.00	48.00	49.00	49.00
9.....	45.00	46.00	47.00	48.00	49.00	49.00
10.....	48.00	49.00	50.00	51.00	52.00	52.00
12.....	53.00	54.00	55.00	56.00	57.00	57.00

ADDITIONS AND DEDUCTIONS PER M'B.M. TO THE ABOVE PRICES

	5,000 ft. B. M. or over	1,000 to 4,999 ft. B. M.
For working:		
1. Crosscutting for one cut, add.....	\$1.00	\$1.25
Each additional cut, add.....	.50	.75
2. Crosscutting square, to exact nonstandard length, add.....	2.00	2.25
3. Rippling, straight, for one cut, add.....	1.00	1.25
Each additional cut, add.....	.50	.75
4. Rippling, taper, add.....	2.00	2.25
5. Saw sizing to exact width, add.....	1.00	1.25
6. Resawing, straight, 4" and narrower, for one cut, add.....	2.00	2.25
7. Resawing, straight, wider than 4", for one cut, add.....	1.50	1.75
8. Resawing, level 4" and narrower, for one cut, add.....	2.00	2.25
9. Resawing, level wider than 4" for one cut, add.....	1.50	1.75
10. Resawing, each additional cut, add.....	.50	.75
11. Dressing S1S, S2S, S1E, S2E, add.....	2.00	2.25
12. Dressing S2S1E, S4S, S1S+M, S2S+M, S2S+SL, S2S1S, add.....	3.00	3.25
13. Any standard dressing and loading end side, add.....	4.00	4.25
14. Any standard dressing and loading end side, add.....	4.00	4.25
15. Working to other standard patterns, add.....	2.00	2.25

ARTICLE VI—APPENDIX C: EASTERN SPRUCE, NORWAY PINE AND JACK PINE PRICE TABLES

SEC. 22. *Application of Appendix C.* This appendix applies to domestic and imported Eastern spruce, Jack pine and Norway pine lumber (except Norway pine produced in Ontario and farther west), sold on the specifications and on the grades designated below. (Maximum prices for Norway pine shipped from mills located in that part of the Province of Ontario lying east of the 85th meridian, known as Ottawa Valley Norway pine, are set forth separately in Appendix F.)

SEC. 23. *Grading rules.* Grade terms used herein have the meaning set forth in "Standard Grading Rules for Eastern Spruce and Balsam Fir", published by the Northeastern Lumber Manufacturers Association, Inc., effective April 1, 1933, as applied to Eastern spruce and Jack pine lumber, and in "Standard Grading Rules for Northern White Pine" (Northeastern type), published by the Northeastern Lumber Manufacturers Association, Inc., effective January 1, 1937, as applied to Norway pine lumber.

SEC. 24. *Maximum prices.* The maximum f. o. b. mill price for domestic Eastern spruce, Norway pine and Jack pine lumber and white cedar shingles, and the maximum base price for imported Eastern spruce, Norway pine (other than Ottawa Valley Norway Pine), and Jack pine lumber shall be as set forth below. These prices are for 1,000 feet board measure (or for 1,000 pieces, or for a square, where so designated) of lumber in a rough air-dried condition.

TABLE 5—EASTERN SPRUCE—FULL SAWN DIMENSION—ROUGH—Continued

TABLE 6—EASTERN SPRUCE FULL SAWN DIMENSION—ROUGH—Continued

5,000 ft. B. M. or over	1,000 to 4,999 ft. B. M.
For working—Continued.	
15. Any standard dressing and crosscutting to exact length, add.....	\$4.25
16. Any standard dressing and resawing, add.....	4.00
17. Resawing 1 cut and dressing each piece, add.....	4.75
18. Resawing 1 cut in center and bevel resawing each piece and bundling, add.....	4.50
19. Bundling, exact specified lengths shorter than 8', add.....	5.00
20. Bundling, exact specified lengths shorter than 8', add.....	1.00
21. Bundling, exact specified lengths shorter than 8', add.....	2.00
22. For widths wider than listed: For each inch or fraction thereof over 12", to the 12" price add \$1.00.....	
23. For specified fractional widths: Price as next wider standard width for which a price is provided and add the ripping charge.....	
24. For lengths longer than listed: For each 2 ft. or fraction thereof over 20 ft., to the 20 ft. price add \$1.00.....	
25. Specified fractional lengths longer than 10 ft.: Price and compute footage as next longer standard length, add the crosscutting charge.....	
26. Specified length shorter than 10 ft.: Price as shortest multiple for which a price is provided and add the crosscutting charge.....	
For thickness:	
27. For 1 1/8" rough: Compute footage as 1 1/8" and price as 4/4.....	
28. For 1 1/4" thickness: To the price of the same width and length add \$2.00.....	
29. For 1 1/2" rough: Compute footage as 1 1/2" and price as 5/4.....	
30. For 1 3/4" thickness: To the price of the same width and length add \$2.00.....	
31. For 1 7/8" rough: Compute footage as 1 7/8" and price as 6/4.....	
32. For 2" thickness: 1 3/4" rough, 5/4" S1S, 3/4" S2S from the price of full sawn boards of the same width, length and working, deduct \$2.00.....	
For thickness:	
33. Thin boards: Boards thinner than 3/4" may be priced on a surface measure basis; but the maximum price per 1,000 feet surface measure for any size may not be more than would be the total cost to the purchaser of the necessary board foot quantity of the appropriate thicker size reworked to produce 1,000 feet surface measure of the thinner size. For example: 1,000 feet surface measure of 1 1/4" x 6 S1S will be produced from 813 feet board measure of 1 1/4" x 6 S2S and resawn; therefore the price of 1,000 feet surface measure of 1 1/4" x 6 S1S may not be more than the price of 813 feet board measure of 1 1/4" x 6 S2S and resawn and the estimated shipping weight per 1,000 feet surface measure for 1 1/4" x 6 S1S may not be more than the permissible estimated dressed weight of 813 feet board measure of 1 1/4" x 6.	
For grade:	
34. Selected merchantable: Add \$5.00 to No. 1 prices.....	
35. No. 2: Deduct \$4.00 from No. 1 prices.....	
36. No. 3: Deduct \$3.00 from No. 1 prices.....	
Notes:	
37. Ontario Jack Pine: Price as spruce.....	
38. Norway Pine: From spruce prices deduct \$2.00.....	

Grade	Random length odd and even 8' to 20'	Random length even 8' to 20'	Specified length 8' to 16' incl.	Specified length 16'	Specified length 17' and/or 18'	Specified length 19' and/or 20'
No. 1 (merchantable):						
2 x 3	\$39.00	\$40.00	\$41.00	\$42.00	\$43.00	\$44.00
4	32.00	40.00	41.00	42.00	43.00	44.00
5	39.00	40.00	41.00	42.00	43.00	44.00
6	41.00	42.00	43.00	44.00	45.00	46.00
7	41.00	42.00	43.00	44.00	45.00	46.00
8	43.00	44.00	45.00	46.00	47.00	48.00
9	47.00	48.00	49.00	50.00	51.00	52.00
10	47.00	48.00	49.00	50.00	51.00	52.00
12	42.00	50.00	51.00	52.00	53.00	54.00

TABLE 6—EASTERN SPRUCE FULL SAWN DIMENSION—ROUGH
(For Jack Pine and Norway Pine, see notes 21 and 22)TABLE 7—EASTERN SPRUCE FULL SAWN TIMBERS—ROUGH
(For Jack pine and Norway pine, see notes 21 and 22)

Grade	Random length odd and even 8' to 20'	Random length even 8' to 20'	Specified length 8' to 16' incl.	Specified length 16'	Specified length 17' and/or 18'	Specified length 19' and/or 20'
No. 1 (merchantable):						
3 x 4	\$42.00	\$43.00	\$44.00	\$45.00	\$46.00	\$47.00
4	42.00	43.00	44.00	45.00	46.00	47.00
5	42.00	43.00	44.00	45.00	46.00	47.00
6	42.00	43.00	44.00	45.00	46.00	47.00
7	42.00	43.00	44.00	45.00	46.00	47.00
8	42.00	43.00	44.00	45.00	46.00	47.00
9	42.00	43.00	44.00	45.00	46.00	47.00
10	42.00	43.00	44.00	45.00	46.00	47.00
12	42.00	43.00	44.00	45.00	46.00	47.00
4 x 5	42.00	43.00	44.00	45.00	46.00	47.00
5	42.00	43.00	44.00	45.00	46.00	47.00
6	42.00	43.00	44.00	45.00	46.00	47.00
7	42.00	43.00	44.00	45.00	46.00	47.00
8	42.00	43.00	44.00	45.00	46.00	47.00
9	42.00	43.00	44.00	45.00	46.00	47.00
10	42.00	43.00	44.00	45.00	46.00	47.00
12	42.00	43.00	44.00	45.00	46.00	47.00

5,000 ft. B. M. or over add—	1,000 to 4,999 ft. B. M. add—
For working:	
1. Cross cutting, for one cut.....	\$1.00
Each additional cut.....	2.00
2. Cross cutting square to exact length.....	1.00
3. Ripping, straight, for one cut.....	1.50
Each additional cut.....	2.00
4. Ripping, taper.....	1.00
5. Saw string to exact width.....	2.00
6. Resaw, bevel, 4' and narrow.....	2.00
7. Resaw, bevel, 2' and narrow.....	1.50
8. Dressing S2S, S1S, S1S&M, S2S&M, S2S&SL, S2B1S.....	2.00
9. Working to other standard patterns.....	3.00
10. Any standard dressing and crosscutting to exact length.....	5.00
For width:	
11. For widths wider than listed: For each inch or fraction thereof over 12", to the 12" price add \$1.00.....	4.00
12. For specified fractional widths: Price as next wider standard width for which a price is provided and add the crosscutting charge.....	
13. Specified fractional widths: Price as next wider standard width for which a price is provided and add the crosscutting charge.....	
14. For lengths longer than listed: For each 2 ft. or fraction thereof over 20'; to the 20' price add \$1.00.....	
15. Specified fractional lengths longer than 10' price and compute footage as next longer standard length and add the crosscutting charge.....	
16. Specified fractional lengths shorter than 10': Price as shortest multiple for which a price is provided and add the crosscutting charge.....	
For thickness:	
17. For scant thickness: 1 3/8" rough, 1 1/2" S1S, 1 1/2" S2S: From the price of full sawn dimension of the same width, length and working, deduct \$2.00.....	
For grade:	
18. Selected merchantable: Add \$5.00 to No. 1 prices.....	
19. No. 2: Deduct \$4.00 from No. 1 prices.....	
20. No. 3: Deduct \$3.00 from No. 1 prices.....	
Notes:	
21. Ontario Jack Pine: Price as spruce.....	
22. Norway Pine: From spruce prices deduct \$2.00.....	

TABLE 7—EASTERN SPRUCE FULL SAWN TIMBERS—ROUGH—Continued
ADDITIONS AND DEDUCTIONS PER M'B.M. TO THE ABOVE PRICES

	5,000 ft. B. M. covered—	1,000-4,000 ft. B. M. old—
For working:		
1. Cross cutting, for one cut.....	\$1.00	\$1.25
Each additional cut.....	.50	.75
2. Cross cutting square, to exact length.....	2.00	2.25
3. Ripping, straight, for one cut.....	1.00	1.25
Each additional cut.....	.50	.75
4. Ripping, taper.....	2.00	2.25
5. Saw sizing to exact width.....	1.00	1.25
6. Dressing S1S, S2S, S1E, S2E.....	2.00	2.25
7. Dressing S2S1E, S4S, S1S&M, S2S&M, S2S&SL, S2E1S.....	3.00	3.25
8. Any standard dressing and crosscutting to exact length.....	4.00	4.25
For width:		
9. For widths wider than listed: For each inch or fraction thereof over 12"; to the 12 in. price add \$1.00.		
10. Specified fractional widths: Price as next wider standard width for which a price is provided and add the ripping charge.		
For length:		
11. For lengths longer than listed: For each 2 ft. or fraction thereof over 20'; to the 20 ft. price add \$1.00.		
12. Specified fractional lengths longer than 10 ft.: Price and compute footage as next longer standard length and add the crosscutting charge.		
13. Specified fractional lengths shorter than 10 ft.: Price as shortest multiple for which a price is provided and add the crosscutting charge.		
For thickness:		
14. 2 1/2" thick: Compute footage as 2 1/4" and use 3" price.		
15. For thickness greater than listed: For each inch or fraction thereof, over 4" add to the 4" price \$1.00.		
For grade:		
16. Selected merchantable: add \$5.00 to No. 1 prices.		
17. No. 2: Deduct \$4.00 from No. 1 prices.		
18. No. 3: Deduct \$9.00 from No. 1 prices.		
Notes:		
19. Ontario jack pine: Price as spruce.		
20. Norway pine: From spruce prices deduct \$2.00.		

TABLE 8—EASTERN SPRUCE FURRING

Nominal size	Finished size	Random length odd and even 8' to 16'	Random length even 8' to 16'	Specified odd 8' to 16'	Specified even 8' to 16'	Specified 13'
No. 1 (merchantable):						
1 x 1 1/2:						
D1S1E&BDL.....	1 1/2 x 1 1/2.....	\$59.25	\$40.25	\$40.25	\$41.25	\$42.25
	3 1/2 x 1 1/2.....	43.25	44.25	44.25	45.25	46.25
	1 1/2 x 1 3/4.....	45.25	46.25	46.25	47.25	48.25
	3 1/2 x 1 3/4.....	46.25	47.25	47.25	48.25	49.25
D2S1E&BDL.....	1 1/2 x 1 1/2.....	43.75	44.75	44.75	45.75	46.75
	3 1/2 x 1 1/2.....	45.75	46.75	46.75	47.75	48.75
	1 1/2 x 1 3/4.....	46.75	47.75	47.75	48.75	49.75
1 x 2:						
D1S1E&BDL.....	1 1/2 x 1 1/2.....	37.25	38.25	38.25	39.25	40.25
	3 1/2 x 1 1/2.....	38.25	39.25	39.25	40.25	41.25
	1 1/2 x 1 3/4.....	40.25	41.25	41.25	42.25	43.25
	3 1/2 x 1 3/4.....	41.25	42.25	42.25	43.25	44.25
	1 1/2 x 1 1/2.....	43.75	44.75	44.75	45.75	46.75
	3 1/2 x 1 1/2.....	44.75	45.75	45.75	46.75	47.75
D2S1E&BDL.....	1 1/2 x 1 1/2.....	44.25	45.25	45.25	46.25	47.25
	3 1/2 x 1 1/2.....	44.25	45.25	45.25	46.25	47.25
	1 1/2 x 1 3/4.....	44.25	45.25	45.25	46.25	47.25
	3 1/2 x 1 3/4.....	44.25	45.25	45.25	46.25	47.25
	1 1/2 x 1 1/2.....	44.75	45.75	45.75	46.75	47.75
	3 1/2 x 1 1/2.....	45.25	46.25	46.25	47.25	48.25
	1 1/2 x 1 3/4.....	45.75	46.75	46.75	47.75	48.75
	3 1/2 x 1 3/4.....	46.25	47.25	47.25	48.25	49.25
D4S&BDL.....	1 1/2 x 1 1/2.....	47.25	48.25	48.25	49.25	50.25
	3 1/2 x 1 1/2.....	47.25	48.25	48.25	49.25	50.25
	1 1/2 x 1 3/4.....	47.75	48.75	48.75	49.75	50.75
1 x 2 1/2:						
D1S1E&Bdl.....	1 1/2 x 2 1/2.....	39.25	40.25	40.25	41.25	42.25
	3 1/2 x 2 1/2.....	42.25	43.25	43.25	44.25	45.25
	1 1/2 x 2 3/4.....	43.25	44.25	44.25	45.25	46.25
	3 1/2 x 2 3/4.....	46.25	47.25	47.25	48.25	49.25
D2S1E&Bdl.....	1 1/2 x 1 1/2.....	45.25	46.25	46.25	47.25	48.25
	3 1/2 x 1 1/2.....	47.25	48.25	48.25	49.25	50.25
D4S&Bdl.....	1 1/2 x 1 1/2.....	47.25	48.25	48.25	49.25	50.25
	3 1/2 x 1 1/2.....	47.25	48.25	48.25	49.25	50.25
1 x 3:						
D1S1E&Bdl.....	1 1/2 x 2 1/2.....	42.25	43.25	43.25	44.25	45.25
	3 1/2 x 2 1/2.....	44.25	45.25	45.25	46.25	47.25
	1 1/2 x 2 3/4.....	45.25	46.25	46.25	47.25	48.25
	3 1/2 x 2 3/4.....	47.25	48.25	48.25	49.25	50.25
D2S1E&Bdl.....	1 1/2 x 1 1/2.....	42.75	43.75	43.75	44.75	45.75
	3 1/2 x 1 1/2.....	44.75	45.75	45.75	46.75	47.75
	1 1/2 x 1 3/4.....	45.75	46.75	46.75	47.75	48.75
	3 1/2 x 1 3/4.....	46.75	47.75	47.75	48.75	49.75
D4S&Bdl.....	1 1/2 x 1 1/2.....	43.25	44.25	44.25	45.25	46.25
	3 1/2 x 1 1/2.....	45.25	46.25	46.25	47.25	48.25
	1 1/2 x 1 3/4.....	46.25	47.25	47.25	48.25	49.25
	3 1/2 x 1 3/4.....	46.75	47.75	47.75	48.75	49.75
1 x 1:						
D2S1E&Bdl.....	1 1/2 x 1 1/2.....	49.25	50.25	50.25	51.25	52.25

ADDITIONS AND DEDUCTIONS PER M'B.M. TO THE ABOVE PRICES

- For grade:
- No. 2: Deduct \$4.00 from No. 1 prices.
 - No. 3: Deduct \$9.00 from No. 1 prices.
- For working:
- Furring: SSD1E and bundled: From the price of the same width and thickness D1S1E and bundled, deduct \$1.00.

TABLE 9—EASTERN SPRUCE SELECTS

	Random lengths 8' to 20'
C. Select:	
Thickness and width:	
1 x 2 to 1 x 10, inclusive.....	\$73.00
1 x 12.....	75.00

ADDITIONS AND DEDUCTIONS PER M. S. M. TO ABOVE PRICES

- For width:
- Specified fractional widths: Price as next wider standard width for which a price is provided and add the ripping charge.
- For length:
- Specified fractional lengths shorter than 10 ft.: Price as shortest multiple for which a price is provided and add the crosscutting charge.
 - Specified fractional lengths over 10 ft.: Price and compute footage as next longer standard length and add the crosscutting charge.
- For thickness:
- 1 1/4" thick add \$5.00 to price of 4/4.
 - 1 1/2" thick add \$5.00 to price of 4/4.
 - 1 3/4" thick add \$10.00 to price of 4/4.
 - 2" thick add \$20.00 to price of 4/4.
- For grade:
- S. B and better: Add to prices of C. Select \$20.00.

TABLE 10—EASTERN SPRUCE SELECTED SCAFFOLDING—ROUGH

Thickness and width	Specified length 12'	Specified length 16'
1 1/4 x 6.....	\$23.50	
2 x 6.....	51.50	
2 1/2 x 10.....		\$50.50

TABLE 11—EASTERN SPRUCE LATH

Size	Per 1,000 pcs. #1	Per 1,000 pcs. #2
3/8" x 1 1/2" x 4'.....	\$3.75	\$4.25
3/4" x 1 1/2" x 4'.....	6.25	4.75
1" x 1 1/2" x 4'.....	8.50	5.75
1 1/4" x 2" x 4'.....	10.50	4.25

TABLE 12—WHITE CEDAR SHINGLES 16"

Grade	Per square
Extra No. 1.....	\$2.75
Clear walls.....	4.00
2nd clear.....	4.25
Clear.....	4.55
Extra.....	5.25

TABLE 13—ESTIMATED AVERAGE WEIGHTS FOR SHIPMENTS FROM AMERICAN MILLS

Species	Rough, lbs. per M'B.M.	Dressed, lbs. per M'B.M.
Spruce.....	3,500	3,000
Norway.....	3,000	2,500

LATH

	Size	Lbs. per M. pieces
Spruce.....	3/8" x 1 1/2" x 4'.....	500
	3/4" x 1 1/2" x 4'.....	550
	1" x 1 1/2" x 4'.....	650
	1 1/4" x 2" x 4'.....	900

SHINGLES

	Size	Lbs. per square
White cedar.....	16".....	200

TABLE 14—ESTIMATED AVERAGE WEIGHTS FOR SHIPMENTS FROM CANADIAN MILLS

LUMBER		
Species	Rough, lbs. per M'BM	Dressed, lbs. per M'BM
Spruce—Except furring	3,100	2,600
Spruce furring $\frac{3}{8}$ "-thicker		2,600
Spruce furring $\frac{3}{4}$ "-thinner		2,100
Jack pine	3,100	2,600
Norway	3,000	2,500

LATH		
Size	Lbs. per M pieces	
Spruce		
$\frac{3}{8}$ " x $1\frac{1}{2}$ " x 4'	500	
$\frac{3}{8}$ " x $1\frac{1}{2}$ " x 4'	550	
$\frac{1}{2}$ " x $1\frac{1}{2}$ " x 4'	800	
$\frac{1}{2}$ " x 2" x 4'	900	

SHINGLES		
Size	Lbs. per square	
White cedar	200	

SEC. 25. *Transportation addition on imported lumber.* (For domestic transportation addition, see section 11). In the case of sales of Eastern spruce, Norway pine (other than Ottawa Valley Norway pine) and Jack pine lumber, the amount that may be added to the maximum base price for transportation is the railroad freight from Campbellton, New Brunswick, to the point of delivery in the United States computed on the lowest through rate. This rule applies regardless of the point of origin and whether the lumber is shipped by rail or truck. The freight shall be computed on the basis of the estimated average weights set forth in Table No. 14 above, and the final amount shall be evened out to the nearest quarter of a dollar per M'BM. No additions may be made to the maximum base price for duty or for any charge or fees incurred in importation.

ARTICLE VII—APPENDIX D: NEW ENGLAND AND IMPORTED EASTERN HEMLOCK LUMBER: PRICE TABLES

SEC. 26. *Application of Appendix D.* This appendix applies to Eastern hemlock lumber which is shipped to the purchaser from mills located in the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, and that part of the Dominion of Canada located east of the 85th meridian, and which is sold on the specifications and on the grades designated in this section.

SEC. 27. *Grading rules.* Grade terms used herein have the meaning set forth in the "Official Grading Rules for Hemlock and Tamarack Lumber, and White Cedar Shingles" published by the Northern Hemlock and Hardwood Manufacturers' Association, effective June 27, 1941.

SEC. 28. *Maximum prices.* The maximum f. o. b. mill price for New England Eastern hemlock lumber, and the maximum base price for imported Eastern

hemlock lumber shall be as set forth below. These prices are for 1,000 feet board measure of lumber in a rough air dried condition.

TABLE No. 15—HEMLOCK BOARDS—ROUGH—
NEW ENGLAND AND CANADIAN

Grade	Random length 6' to 20'	Specified lengths 8' to 14'	Specified lengths 16'	Specified lengths 18'	Specified lengths 20'
No. 1:					
1 x 2	\$40.00	\$40.00	\$42.00	\$43.00	\$44.00
3	40.00	40.00	42.00	43.00	44.00
4	40.00	40.00	42.00	43.00	44.00
5	40.00	40.00	42.00	43.00	44.00
6	42.00	42.00	44.00	45.00	46.00
7	42.00	42.00	44.00	45.00	46.00
8	42.00	42.00	44.00	45.00	46.00
9	42.00	42.00	44.00	45.00	46.00
10	43.00	43.00	45.00	46.00	47.00
12	45.00	45.00	47.00	48.00	49.00
1 x 5 and wider	41.00	41.00	43.00	44.00	45.00
1 x 6 and wider	42.00	42.00	44.00	45.00	46.00
Merchantable:					
1 x 2	37.00	37.00	39.00	40.00	41.00
3	37.00	37.00	39.00	40.00	41.00
4	37.00	37.00	39.00	40.00	41.00
5	37.00	37.00	39.00	40.00	41.00
6	39.00	39.00	41.00	42.00	43.00
7	39.00	39.00	41.00	42.00	43.00
8	39.00	39.00	41.00	42.00	43.00
9	39.00	39.00	41.00	42.00	43.00
10	40.00	40.00	42.00	43.00	44.00
12	42.00	42.00	44.00	45.00	46.00
1 x 5 and wider	38.00	38.00	40.00	41.00	42.00
1 x 6 and wider	39.00	39.00	41.00	42.00	43.00
No. 2:					
1 x 2	34.00	34.00	36.00	37.00	38.00
3	34.00	34.00	36.00	37.00	38.00
4	34.00	34.00	36.00	37.00	38.00
5	34.00	34.00	36.00	37.00	38.00
6	35.00	35.00	37.00	38.00	39.00
7	35.00	35.00	37.00	38.00	39.00
8	36.00	36.00	38.00	39.00	40.00
9	36.00	36.00	38.00	39.00	40.00
10	37.00	37.00	39.00	40.00	41.00
12	39.00	39.00	41.00	42.00	43.00
1 x 5 and wider	35.00	35.00	37.00	38.00	39.00
1 x 6 and wider	35.00	35.00	37.00	38.00	39.00
No. 3:					
1 x 2	31.00	31.00	33.00	34.00	35.00
3	31.00	31.00	33.00	34.00	35.00
4	31.00	31.00	33.00	34.00	35.00
5	31.00	31.00	33.00	34.00	35.00
6	33.00	33.00	35.00	36.00	37.00
7	33.00	33.00	35.00	36.00	37.00
8	33.00	33.00	35.00	36.00	37.00
9	33.00	33.00	35.00	36.00	37.00
10	34.00	34.00	36.00	37.00	38.00
12	36.00	36.00	38.00	39.00	40.00
1 x 5 and wider	32.00	32.00	34.00	35.00	36.00
1 x 6 and wider	33.00	33.00	35.00	36.00	37.00
No. 4:					
1 x 4	24.00	24.00	26.00	27.00	28.00
5	24.00	24.00	26.00	27.00	28.00
6	24.00	24.00	26.00	27.00	28.00
7	24.00	24.00	26.00	27.00	28.00
8	24.00	24.00	26.00	27.00	28.00
9	24.00	24.00	26.00	27.00	28.00
10	24.00	24.00	26.00	27.00	28.00
12	24.00	24.00	26.00	27.00	28.00
No. 5: All widths and lengths.....\$10.00.					

ADDITIONS AND DEDUCTIONS PER M'BM TO THE ABOVE PRICES

	5,000 ft. B. M. or over add—	1,000-4,999 ft. B. M. or add—
For working:		
1. Cross cutting, for one cut	\$1.00	\$1.25
Each additional cut	.50	.75
2. Cross cutting square, to exact length	2.00	2.25
3. Ripping straight for one cut	1.00	1.25
Each additional cut	.50	.75
4. Ripping, taper	2.00	2.25
5. Saw sizing to exact width	1.00	1.25
6. Resawing, straight, 4" and narrower, for one cut	2.00	2.25
7. Resawing, straight, wider than 4", for one cut	1.00	1.75
8. Resawing, bevel, 4" and narrower, for one cut	2.00	2.25
9. Resawing, bevel, wider than 4", for one cut	1.00	1.75
10. Resawing, each additional cut	.50	.75
11. Dressing S1S, S2S, S1E, S2E	2.00	2.25
12. Dressing, S2S1E, S4S, S1S&M, S2S&M, S2S&S1E, S2E1S	3.00	3.25
13. Any standard dressing and beading 1 side	4.00	4.25
14. Any standard dressing and beading 2 sides	4.50	4.75
15. Working to other standard patterns	5.00	5.25
16. Any standard dressing and crosscutting to exact length	4.00	4.25
17. Any standard dressing and resawing	4.00	4.25
18. Resawing 1 cut and dressing each piece	4.00	4.75
19. Resawing 1 cut in center and bevel resawing each piece and bundling	5.00	5.25
20. Bundling	1.00	1.25
For width:		
21. For widths wider than listed: For each inch or fraction thereof over 12" to 12 in. price add \$1.00.		
22. Specified fractional widths: Price as next wider standard width for which a price is provided and add the ripping charge.		

TABLE 15—HEMLOCK BOARDS—ROUGH—Continued
ADDITIONS AND DEDUCTIONS PER M'DM TO THE ABOVE PRICES—continued

	5,000 ft. B. M. or over add—	1,000-4,999 ft. B. M. add—
For length:		
23. For lengths longer than listed: For each 2 ft. or fraction thereof over 20 ft.; to 20 ft. price add \$1.00.		
24. Specified fractional lengths longer than 10 ft.: Price and compute footage as next longer standard length and add the crosscutting charge.		
25. Specified fractional lengths shorter than 10 ft.: Price as shortest multiple for which a price is provided and add the crosscutting charge.		
For thickness:		
26. For 5/4 thickness: Use price for 1" of the same width and length.		
27. For 6/4 thickness: Use price for 1" of the same width and length.		
For grade:		
28. "D" select and better, flat grain: Add to price of No. 1 common \$13.00.		
29. "D" select and better, vertical grain: Add to price of No. 1 common \$18.00.		

TABLE No. 16—HEMLOCK DIMENSION—ROUGH

NEW ENGLAND AND CANADIAN

Grade	Random length 6' to 24'	Specified length 8' to 14'	Specified length 16'	Specified length 18'	Specified length 20'	Specified length 22'	Specified length 24'
No. 1:							
2x3	\$38.00	\$38.00	\$40.00	\$41.00	\$42.00	\$43.00	\$44.00
4	38.00	38.00	40.00	41.00	42.00	43.00	44.00
5	38.00	38.00	40.00	41.00	42.00	43.00	44.00
6	40.00	40.00	42.00	43.00	44.00	45.00	46.00
7	40.00	40.00	42.00	43.00	44.00	45.00	46.00
8	40.00	40.00	42.00	43.00	44.00	45.00	46.00
9	40.00	40.00	42.00	43.00	44.00	45.00	46.00
10	40.00	40.00	42.00	43.00	44.00	45.00	46.00
12	42.00	42.00	44.00	45.00	46.00	47.00	48.00
Merchantable:							
2x3	35.00	35.00	37.00	38.00	39.00	40.00	41.00
4	35.00	35.00	37.00	38.00	39.00	40.00	41.00
5	35.00	35.00	37.00	38.00	39.00	40.00	41.00
6	37.00	37.00	39.00	40.00	41.00	42.00	43.00
7	37.00	37.00	39.00	40.00	41.00	42.00	43.00
8	37.00	37.00	39.00	40.00	41.00	42.00	43.00
9	37.00	37.00	39.00	40.00	41.00	42.00	43.00
10	37.00	37.00	39.00	40.00	41.00	42.00	43.00
12	39.00	39.00	41.00	42.00	43.00	44.00	45.00
No. 2:							
2x3	32.00	32.00	34.00	35.00	36.00	37.00	38.00
4	32.00	32.00	34.00	35.00	36.00	37.00	38.00
5	32.00	32.00	34.00	35.00	36.00	37.00	38.00
6	34.00	34.00	36.00	37.00	38.00	39.00	40.00
7	34.00	34.00	36.00	37.00	38.00	39.00	40.00
8	34.00	34.00	36.00	37.00	38.00	39.00	40.00
9	34.00	34.00	36.00	37.00	38.00	39.00	40.00
10	34.00	34.00	36.00	37.00	38.00	39.00	40.00
12	36.00	36.00	38.00	39.00	40.00	41.00	42.00
No. 3:							
2x3	27.00	27.00	29.00	30.00	31.00	32.00	33.00
4	27.00	27.00	29.00	30.00	31.00	32.00	33.00
5	27.00	27.00	29.00	30.00	31.00	32.00	33.00
6	29.00	29.00	31.00	32.00	33.00	34.00	35.00
7	29.00	29.00	31.00	32.00	33.00	34.00	35.00
8	29.00	29.00	31.00	32.00	33.00	34.00	35.00
9	29.00	29.00	31.00	32.00	33.00	34.00	35.00
10	29.00	29.00	31.00	32.00	33.00	34.00	35.00
12	31.00	31.00	33.00	34.00	35.00	36.00	37.00
No. 4:							
2x4	24.00	24.00	26.00	27.00	28.00	29.00	30.00
5	24.00	24.00	26.00	27.00	28.00	29.00	30.00
6	24.00	24.00	26.00	27.00	28.00	29.00	30.00
7	24.00	24.00	26.00	27.00	28.00	29.00	30.00
8	24.00	24.00	26.00	27.00	28.00	29.00	30.00
9	24.00	24.00	26.00	27.00	28.00	29.00	30.00
10	24.00	24.00	26.00	27.00	28.00	29.00	30.00
12	24.00	24.00	26.00	27.00	28.00	29.00	30.00
No. 5:							
All widths and lengths, \$19.00.							

ADDITIONS AND DEDUCTIONS PER M'DM TO THE ABOVE PRICES

	5,000 ft. B. M. or over add—	1,000-4,999 ft. B. M. add—
For working:		
1. Crosscutting, for one cut.....	\$1.00	\$1.25
Each additional cut.....	.75	.75
2. Crosscutting square, to exact length.....	2.00	2.25
3. Rippling straight for one cut.....	1.00	1.25
Each additional cut.....	.75	.75
4. Rippling, taper.....	2.00	2.25
5. Saw sizing to exact width.....	1.00	1.25
6. Resawing, bevel, 4" and narrower.....	2.00	2.25
7. Resawing, bevel, wider than 4".....	1.50	1.75
8. Resawing, each additional cut.....	.50	.75
9. Dressing S1S, S2S, S1E, S2E.....	2.00	2.25
10. Dressing S2S1E, S4S, S1S+M, S2S+M, S2S+SL, S2E1S.....	3.00	3.25
11. Working to other standard patterns.....	6.00	6.25
12. Any standard dressing and crosscutting to exact length.....	4.00	4.25

TABLE 16—HEMLOCK DIMENSION—ROUGH—Continued
 ADDITIONS AND DEDUCTIONS PER M³BM TO ABOVE PRICES—continued

	5,000 ft. B. M. or over add—	1,000-4,999 ft. B. M. add—
For width:		
13. For widths wider than listed: For each inch or fraction thereof over 12"; to 12" price add \$1.00.		
14. Specified fractional widths: Price as next wider standard width for which a price is provided and add the crosscutting charge.		
For length:		
15. For lengths longer than listed: For each 2 ft. or fraction thereof over 24 ft. to 24 ft. price add \$1.00.		
16. Specified fractional lengths longer than 12 ft.: price and compute footage as next longer standard length and add the crosscutting charge.		
17. Specified fractional lengths shorter than 12 ft.: price as shortest multiple for which a price is provided and add the cross cutting charge.		
For grade:		
18. "D" select and better, flat grain: Add to price of No. 1 Common \$13.00.		
19. "D" select and better, vertical grain: Add to price of No. 1 Common \$18.00.		

TABLE 17—HEMLOCK TIMBERS—ROUGH
 NEW ENGLAND AND CANADIAN

Grade	Random length 8' to 24'	Specified lengths 8' to 14'	Specified lengths 16'	Specified lengths 18'	Specified lengths 20'	Specified lengths 22'	Specified lengths 24'
No. 1:							
3 x 4.....	\$42.00	\$42.00	\$44.00	\$45.00	\$46.00	\$47.00	\$48.00
6.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00
8.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00
10.....	43.00	43.00	45.00	46.00	47.00	48.00	49.00
12.....	45.00	45.00	47.00	48.00	49.00	50.00	51.00
4 x 4.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00
6.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00
8.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00
10.....	43.00	43.00	45.00	46.00	47.00	48.00	49.00
12.....	45.00	45.00	47.00	48.00	49.00	50.00	51.00
6 x 6.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00
8.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00
10.....	43.00	43.00	45.00	46.00	47.00	48.00	49.00
12.....	45.00	45.00	47.00	48.00	49.00	50.00	51.00
8 x 8.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00
10.....	43.00	43.00	45.00	46.00	47.00	48.00	49.00
12.....	45.00	45.00	47.00	48.00	49.00	50.00	51.00
10 x 10.....	43.00	43.00	45.00	46.00	47.00	48.00	49.00
12.....	45.00	45.00	47.00	48.00	49.00	50.00	51.00
12 x 12.....	45.00	45.00	47.00	48.00	49.00	50.00	51.00
Merchantable:							
3 x 4.....	39.00	39.00	41.00	42.00	43.00	44.00	45.00
6.....	39.00	39.00	41.00	42.00	43.00	44.00	45.00
8.....	39.00	39.00	41.00	42.00	43.00	44.00	45.00
10.....	40.00	40.00	42.00	43.00	44.00	45.00	46.00
12.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00
4 x 4.....	39.00	39.00	41.00	42.00	43.00	44.00	45.00
6.....	39.00	39.00	41.00	42.00	43.00	44.00	45.00
8.....	39.00	39.00	41.00	42.00	43.00	44.00	45.00
10.....	40.00	40.00	42.00	43.00	44.00	45.00	46.00
12.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00
6 x 6.....	39.00	39.00	41.00	42.00	43.00	44.00	45.00
8.....	39.00	39.00	41.00	42.00	43.00	44.00	45.00
10.....	40.00	40.00	42.00	43.00	44.00	45.00	46.00
12.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00
8 x 8.....	39.00	39.00	41.00	42.00	43.00	44.00	45.00
10.....	40.00	40.00	42.00	43.00	44.00	45.00	46.00
12.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00
10 x 10.....	40.00	40.00	42.00	43.00	44.00	45.00	46.00
12.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00
12 x 12.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00
No. 2:							
3 x 4.....	34.00	34.00	36.00	37.00	38.00	39.00	40.00
6.....	35.00	35.00	37.00	38.00	39.00	40.00	41.00
8.....	36.00	36.00	38.00	39.00	40.00	41.00	42.00
10.....	37.00	37.00	39.00	40.00	41.00	42.00	43.00
12.....	39.00	39.00	41.00	42.00	43.00	44.00	45.00
4 x 4.....	34.00	34.00	36.00	37.00	38.00	39.00	40.00
6.....	35.00	35.00	37.00	38.00	39.00	40.00	41.00
8.....	36.00	36.00	38.00	39.00	40.00	41.00	42.00
10.....	37.00	37.00	39.00	40.00	41.00	42.00	43.00
12.....	39.00	39.00	41.00	42.00	43.00	44.00	45.00
6 x 6.....	35.00	35.00	37.00	38.00	39.00	40.00	41.00
8.....	36.00	36.00	38.00	39.00	40.00	41.00	42.00
10.....	37.00	37.00	39.00	40.00	41.00	42.00	43.00
12.....	39.00	39.00	41.00	42.00	43.00	44.00	45.00
8 x 8.....	36.00	36.00	38.00	39.00	40.00	41.00	42.00
10.....	37.00	37.00	39.00	40.00	41.00	42.00	43.00
12.....	39.00	39.00	41.00	42.00	43.00	44.00	45.00
10 x 10.....	37.00	37.00	39.00	40.00	41.00	42.00	43.00
12.....	39.00	39.00	41.00	42.00	43.00	44.00	45.00
12 x 12.....	39.00	39.00	41.00	42.00	43.00	44.00	45.00

TABLE 17—HEMLOCK TIMBERS—ROUGH—Continued
ADDITIONS AND DEDUCTIONS PER M'BM TO THE ABOVE PRICES

	5,000 ft. B. M. or over add—	1,000-4,999 ft. B. M. add—
For working:		
1. Crosscutting, for one cut.....	\$1.00	\$1.25
Each additional cut.....	.50	.75
2. Crosscutting square, to exact length.....	2.00	2.25
3. Ripping, straight, for one cut.....	1.00	1.25
Each additional cut.....	.50	.75
4. Ripping, taper.....	2.00	2.25
5. Saw sizing to exact width.....	1.00	1.25
6. Dressing S1S, S2S, S1E, S2E.....	2.00	2.25
7. Dressing S2S1E, S4S, S1S&M, S2S&M, S2E&SL, S2E1S.....	3.00	3.25
8. Any standard dressing and crosscutting to exact length.....	4.00	4.25
For width:		
9. For widths wider than listed: For each inch or fraction thereof over 12"; to 12" price add \$1.00.		
10. Specified fractional widths: Price as next wider standard width for which a price is provided and add the ripping charge.		
For length:		
11. For lengths longer than listed: For each 2 ft. or fraction thereof over 24 ft. to 24 ft. price add \$1.00.		
12. Specified fractional lengths longer than 12 ft.: Price and compute footage as next longer standard length and add the crosscutting charge.		
13. Specified fractional lengths shorter than 12 ft.: Price as shortest multiple for which a price is provided and add the crosscutting charge.		
For thickness:		
14. 2 1/2" thick: Compute footage as 2 1/2" and use 3" price.		
15. For thickness greater than listed: For each inch or fraction thereof over 12"; add to the 12" price \$1.00.		

TABLE 18—ESTIMATED AVERAGE WEIGHTS FOR
NEW ENGLAND AND IMPORTED HEMLOCK

	LUMBER	
Rough Lbs. per M'BM 4,000		Dressed Lbs. per M'BM 3,000

SEC. 29. *Transportation addition on imported lumber (For domestic transportation addition, see section 11.)—(a) General.* In the case of sales of imported Eastern hemlock lumber, the amount that may be added to the maximum base price for transportation is the railroad freight computed on the lowest through rate from the applicable basing point as prescribed below to the point of delivery in the United States.

(b) *Basing points.* Regardless of point or origin of shipments, the following basing points shall apply:

(1) For imported Eastern hemlock lumber delivered in the six New England States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island, the basing point shall be Campbellton, New Brunswick.

(2) For imported Eastern hemlock lumber delivered in that part of the State of New York east of and including the Counties of St. Lawrence, Jefferson, Oswego, Onondaga, Cortland, and Broome, the basing point shall be Mont Laurier, Quebec.

(3) For imported hemlock lumber delivered in that part of the State of New York west of the Counties of Oswego, Onondaga, Cortland, and Broome, and in all other parts of the United States not covered above, the basing point shall be North Bay, Ontario.

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(c) *Estimated weights.* The freight addition shall be computed on the basis of the estimated average weights set forth in Table 18 above, evened out to the nearest quarter of a dollar per MBM.

TABLE 19—HEMLOCK BOARDS—ROUGH

NEW YORK, PENNSYLVANIA, MARYLAND, WEST VIRGINIA, KENTUCKY, VIRGINIA, TENNESSEE, NORTH CAROLINA, SOUTH CAROLINA AND GEORGIA

Grade	Random lengths 6' to 24'	Specified lengths 8' to 14'	Specified lengths 16'	Specified lengths 18'	Specified lengths 20'
No. 1:					
1x2.....	\$43.00	\$43.00	\$43.00	\$43.00	\$47.00
3.....	43.00	43.00	43.00	43.00	47.00
4.....	43.00	43.00	43.00	43.00	47.00
5.....	43.00	43.00	43.00	43.00	47.00
6.....	43.00	43.00	43.00	43.00	47.00
7.....	43.00	43.00	43.00	43.00	47.00
8.....	43.00	43.00	43.00	43.00	47.00
9.....	43.00	43.00	43.00	43.00	47.00
10.....	43.00	43.00	43.00	43.00	47.00
12.....	43.00	43.00	43.00	43.00	47.00
1x5 and wider.....	43.00	43.00	43.00	43.00	47.00
1x6 and wider.....	43.00	43.00	43.00	43.00	47.00
Merchantable:					
1x2.....	42.00	42.00	42.00	42.00	44.00
3.....	42.00	42.00	42.00	42.00	44.00
4.....	42.00	42.00	42.00	42.00	44.00
5.....	42.00	42.00	42.00	42.00	44.00
6.....	42.00	42.00	42.00	42.00	44.00
7.....	42.00	42.00	42.00	42.00	44.00
8.....	42.00	42.00	42.00	42.00	44.00
9.....	42.00	42.00	42.00	42.00	44.00
10.....	42.00	42.00	42.00	42.00	44.00
12.....	42.00	42.00	42.00	42.00	44.00
1x5 & wider.....	42.00	42.00	42.00	42.00	44.00
1x6 & wider.....	42.00	42.00	42.00	42.00	44.00
No. 2:					
1x2.....	\$37.00	\$37.00	\$37.00	\$37.00	\$41.00
3.....	37.00	37.00	37.00	37.00	41.00
4.....	37.00	37.00	37.00	37.00	41.00
5.....	37.00	37.00	37.00	37.00	41.00
6.....	37.00	37.00	37.00	37.00	41.00
7.....	37.00	37.00	37.00	37.00	41.00
8.....	37.00	37.00	37.00	37.00	41.00
9.....	37.00	37.00	37.00	37.00	41.00
10.....	37.00	37.00	37.00	37.00	41.00
12.....	37.00	37.00	37.00	37.00	41.00
1x5 & wider.....	37.00	37.00	37.00	37.00	41.00
1x6 & wider.....	37.00	37.00	37.00	37.00	41.00

(d) *Duty and import expenses.* No additions may be made to the maximum base price for duty or for any charges or fees incurred in importation.

ARTICLE VIII—APPENDIX E: NEW YORK, PENNSYLVANIA AND "APPALACHIAN" PRICE TABLES

SEC. 30. *Application of Appendix E.* This appendix applies to Eastern hemlock lumber which is shipped to the purchaser from mills located in the States of New York, Pennsylvania, Maryland, West Virginia, Kentucky, Virginia, Tennessee, North Carolina, South Carolina, and Georgia and sold on the specifications and on the grades designated in this section.

SEC. 31. *Grading rules.* Grade terms used herein have the meaning set forth in the "Official Grading Rules for Hemlock and Tamarack Lumber, and White Cedar Shingles" published by the Northern Hemlock and Hardwood Manufacturers' Association, effective June 27, 1941.

SEC. 32. *Maximum prices.* The maximum f. o. b. mill price per M'BM of Eastern Hemlock lumber in a rough air dried condition produced in the states of New York, Pennsylvania, Maryland, West Virginia, Kentucky, Virginia, Tennessee, North Carolina, South Carolina and Georgia shall be as set forth below:

TABLE 19—HEMLOCK BOARDS—ROUGH—Continued

Grade	Random lengths 6' to 20'	Specified lengths 8' to 14'	Specified lengths 16'	Specified lengths 18'	Specified lengths 20'
No. 3:					
1 x 2	\$34.00	\$34.00	\$36.00	\$37.00	\$38.00
3	34.00	34.00	36.00	37.00	38.00
4	34.00	34.00	36.00	37.00	38.00
5	34.00	34.00	36.00	37.00	38.00
6	36.00	36.00	38.00	39.00	40.00
7	36.00	36.00	38.00	39.00	40.00
8	36.00	36.00	38.00	39.00	40.00
9	36.00	36.00	38.00	39.00	40.00
10	37.00	37.00	39.00	40.00	41.00
12	39.00	39.00	41.00	42.00	43.00
1 x 5 and wider	34.00	34.00	36.00	37.00	38.00
1 x 6 and wider	36.00	36.00	38.00	39.00	40.00
No. 4:					
1 x 4	24.00	24.00	26.00	27.00	28.00
5	24.00	24.00	26.00	27.00	28.00
6	24.00	24.00	26.00	27.00	28.00
7	24.00	24.00	26.00	27.00	28.00
8	24.00	24.00	26.00	27.00	28.00
9	24.00	24.00	26.00	27.00	28.00
10	24.00	24.00	26.00	27.00	28.00
12	24.00	24.00	26.00	27.00	28.00
No. 5:					
All widths and lengths \$19.00.					

ADDITIONS AND DEDUCTIONS PER M'B.M. TO THE ABOVE PRICES

	5,000 ft. B. M. or over add—	1,000-4,999 ft. B. M. add—
For working:		
1. Cross cutting, for one cut	\$1.00	\$1.25
Each additional cut	.50	.75
2. Cross cutting square, to exact length	2.00	2.25
3. Ripping straight for one cut	1.00	1.25
Each additional cut	.50	.75
4. Ripping, taper	2.00	2.25
5. Saw sizing to exact width	1.00	1.25
6. Resawing, straight 4" and narrower	2.00	2.25
7. Resawing, straight wider than 4"	1.50	1.75
8. Resawing, bevel, 4" and narrower	2.00	2.25
9. Resawing, bevel, wider than 4"	1.50	1.75
10. Resawing, each additional cut	.50	.75
11. Dressing S1S, S2S, S1E, S2E	2.00	2.25
12. Dressing S2S1E, S4S, S1S+M, S2S+M, S2S+SL, S2E1S	3.00	3.25
13. Any standard dressing and beading 1 side	4.00	4.25
14. Any standard dressing and beading 2 sides	4.50	4.75
15. Working to other standard patterns	5.00	5.25
16. Any standard dressing and crosscutting to exact length	4.00	4.25
17. Any standard dressing and resawing	4.00	4.25
18. Resawing one cut and dressing each piece	4.50	4.75
19. Resawing one cut in center and bevel resawing each piece and bundling	5.00	5.25
20. Bundling	1.00	1.25
For width:		
21. For widths wider than listed: For each inch or fraction thereof over 12 inches; to 12 inch price add \$1.00		
22. Specified fractional widths: Price as next wider standard width for which a price is provided and add the ripping charge.		
For Length:		
23. For lengths longer than listed: For each 2 ft. or fraction thereof over 20 ft.; to 20 ft. price add \$1.00		
24. Specified fractional lengths longer than 10 ft.: Price and compute footage as next longer standard length and add the crosscutting charge.		
25. Specified fractional lengths shorter than 10 ft.: Price as shortest multiple for which a price is provided and add the crosscutting charge.		
For thickness:		
26. For 5/4 thickness: Use price for 1" of the same width and length		
27. For 3/4 thickness: Use price for 1" of the same width and length		
For grade:		
28. "D" select and better, flat grain: Add to price of No. 1 common \$13.00		
29. "D" select and better, vertical grain: Add to price of No. 1 common \$18.00		

TABLE No. 20—HEMLOCK DIMENSION—ROUGH

NEW YORK, PENNSYLVANIA, MARYLAND, WEST VIRGINIA, KENTUCKY, VIRGINIA, TENNESSEE, NORTH CAROLINA
SOUTH CAROLINA AND GEORGIA

Grade	Random Lengths 6' to 24'	Specified Lengths 8' to 14'	Specified Lengths 16'	Specified Lengths 18'	Specified Lengths 20'	Specified Lengths 22'	Specified Lengths 24'
No. 1:							
2 x 3	\$41.00	\$41.00	\$43.00	\$44.00	\$45.00	\$46.00	\$47.00
4	41.00	41.00	43.00	44.00	45.00	46.00	47.00
6	41.00	41.00	43.00	44.00	45.00	46.00	47.00
8	43.00	43.00	45.00	46.00	47.00	48.00	49.00
10	43.00	43.00	45.00	46.00	47.00	48.00	49.00
12	43.00	43.00	45.00	46.00	47.00	48.00	49.00
14	43.00	43.00	45.00	46.00	47.00	48.00	49.00
16	43.00	43.00	45.00	46.00	47.00	48.00	49.00
18	43.00	43.00	45.00	46.00	47.00	48.00	49.00
20	43.00	43.00	45.00	46.00	47.00	48.00	49.00
22	43.00	43.00	45.00	46.00	47.00	48.00	49.00
24	45.00	45.00	47.00	48.00	49.00	50.00	51.00

TABLE 20—HEMLOCK DIMENSION—ROUGH—Continued

NEW YORK, PENNSYLVANIA, MARYLAND, WEST VIRGINIA, KENTUCKY, VIRGINIA, TENNESSEE, NORTH CAROLINA, SOUTH CAROLINA AND GEORGIA—continued

Grade	Random Lengths 6' to 24'	Specified Lengths 8' to 14'	Specified Lengths 16'	Specified Lengths 18'	Specified Lengths 20'	Specified Lengths 22'	Specified Lengths 24'
Merchantable:							
2x3	\$33.00	\$33.00	\$40.00	\$41.00	\$42.00	\$43.00	\$44.00
4	38.00	38.00	40.00	41.00	42.00	43.00	44.00
5	38.00	38.00	40.00	41.00	42.00	43.00	44.00
6	40.00	40.00	42.00	43.00	44.00	45.00	46.00
7	40.00	40.00	42.00	43.00	44.00	45.00	46.00
8	40.00	40.00	42.00	43.00	44.00	45.00	46.00
9	40.00	40.00	42.00	43.00	44.00	45.00	46.00
10	40.00	40.00	42.00	43.00	44.00	45.00	46.00
12	42.00	42.00	44.00	45.00	46.00	47.00	48.00
No. 2:							
2x3	35.00	35.00	37.00	38.00	39.00	40.00	41.00
4	35.00	35.00	37.00	38.00	39.00	40.00	41.00
5	35.00	35.00	37.00	38.00	39.00	40.00	41.00
6	37.00	37.00	39.00	40.00	41.00	42.00	43.00
7	37.00	37.00	39.00	40.00	41.00	42.00	43.00
8	37.00	37.00	39.00	40.00	41.00	42.00	43.00
9	37.00	37.00	39.00	40.00	41.00	42.00	43.00
10	37.00	37.00	39.00	40.00	41.00	42.00	43.00
12	39.00	39.00	41.00	42.00	43.00	44.00	45.00
No. 3:							
2x3	30.00	30.00	32.00	33.00	34.00	35.00	36.00
4	30.00	30.00	32.00	33.00	34.00	35.00	36.00
5	30.00	30.00	32.00	33.00	34.00	35.00	36.00
6	32.00	32.00	34.00	35.00	36.00	37.00	38.00
7	32.00	32.00	34.00	35.00	36.00	37.00	38.00
8	32.00	32.00	34.00	35.00	36.00	37.00	38.00
9	32.00	32.00	34.00	35.00	36.00	37.00	38.00
10	32.00	32.00	34.00	35.00	36.00	37.00	38.00
12	34.00	34.00	36.00	37.00	38.00	39.00	40.00
No. 4:							
2x4	24.00	24.00	26.00	27.00	28.00	29.00	30.00
5	24.00	24.00	26.00	27.00	28.00	29.00	30.00
6	24.00	24.00	26.00	27.00	28.00	29.00	30.00
7	24.00	24.00	26.00	27.00	28.00	29.00	30.00
8	24.00	24.00	26.00	27.00	28.00	29.00	30.00
9	24.00	24.00	26.00	27.00	28.00	29.00	30.00
10	24.00	24.00	26.00	27.00	28.00	29.00	30.00
12	24.00	24.00	26.00	27.00	28.00	29.00	30.00
No. 5: All widths and lengths, \$19.00.							

ADDITIONS AND DEDUCTIONS PER M'B.M. TO THE ABOVE PRICES

	5,000 ft. B. M. or over add—	1,000-4,999 ft. B. M. add—
For working:		
1. Cross cutting for one cut.....	\$1.00	\$1.25
Each additional cut.....	.75	.75
2. Cross cuttings square, to exact length.....	2.00	2.25
3. Ripping straight for one cut.....	1.00	1.25
Each additional cut.....	.75	.75
4. Ripping, taper.....	2.00	2.25
5. Saw sizing to exact width.....	1.00	1.25
6. Resaw, bevel, 4" and narrower.....	2.00	2.25
7. Resaw, bevel, wider than 4".....	1.00	1.75
8. Dressing S1S, S2S, S1E, S2E.....	2.00	2.25
9. Dressing S2S1E, S4S, S1S+M, S2S+M, S2S+SL, S2E1S.....	3.00	3.25
10. Working to other standard patterns.....	5.00	5.25
11. Any standard dressing and crosscutting to exact length.....	4.00	4.25
For width:		
12. For widths wider than listed: For each inch or fraction thereof over 12"; to 12' price add \$1.00.		
13. Specified fractional widths: Price as next wider standard width for which a price is provided and add the crosscutting charge.		
For length:		
14. For lengths longer than listed: For each 2 ft. or fraction thereof over 24 ft. to 24 ft. price add \$1.00.		
15. Specified fractional lengths longer than 12 ft.: Price and compute footage as next longer standard length and add the crosscutting charge.		
16. Specified fractional lengths shorter than 12 ft.: Price as shortest multiple for which a price is provided and add the crosscutting charge.		
For grade:		
17. "D" select and better, flat grain: Add to price of No. 1 common \$13.00.		
18. "D" select and better, vertical grain: Add to price of No. 1 common \$18.00.		

TABLE 21—HEMLOCK TIMBERS—ROUGH

NEW YORK, PENNSYLVANIA, MARYLAND, WEST VIRGINIA, KENTUCKY, VIRGINIA, TENNESSEE, NORTH CAROLINA, SOUTH CAROLINA AND GEORGIA

Grade	Random Lengths 8' to 24'	Specified Lengths 8' to 14'	Specified Lengths 16'	Specified Lengths 18'	Specified Lengths 20'	Specified Lengths 22'	Specified Lengths 24'
No. 1:							
3x4	\$45.00	\$45.00	\$47.00	\$48.00	\$49.00	\$50.00	\$51.00
6	45.00	45.00	47.00	48.00	49.00	50.00	51.00
8	45.00	45.00	47.00	48.00	49.00	50.00	51.00
10	45.00	45.00	47.00	48.00	49.00	50.00	51.00
12	45.00	45.00	47.00	48.00	49.00	50.00	51.00
4x4	45.00	45.00	47.00	48.00	49.00	50.00	51.00
6	45.00	45.00	47.00	48.00	49.00	50.00	51.00

TABLE 21—HEMLOCK TIMBERS—ROUGH—Continued

NEW YORK, PENNSYLVANIA, MARYLAND, WEST VIRGINIA, KENTUCKY, VIRGINIA, TENNESSEE, NORTH CAROLINA, SOUTH CAROLINA AND GEORGIA—continued

Grade	Random lengths 8' to 24'	Specified lengths 8' to 14'	Specified lengths 16'	Specified lengths 18'	Specified lengths 20'	Specified lengths 22'	Specified lengths 24'
No. 1:							
8.....	\$45.00	\$45.00	\$47.00	\$48.00	\$49.00	\$50.00	\$51.00
10.....	46.00	46.00	48.00	49.00	50.00	51.00	52.00
12.....	48.00	48.00	50.00	51.00	52.00	53.00	54.00
6x6.....	45.00	45.00	47.00	48.00	49.00	50.00	51.00
8.....	45.00	45.00	47.00	48.00	49.00	50.00	51.00
10.....	46.00	46.00	48.00	49.00	50.00	51.00	52.00
12.....	48.00	48.00	50.00	51.00	52.00	53.00	54.00
8x8.....	45.00	45.00	47.00	48.00	49.00	50.00	51.00
10.....	46.00	46.00	48.00	49.00	50.00	51.00	52.00
12.....	48.00	48.00	50.00	51.00	52.00	53.00	54.00
10x10.....	46.00	46.00	48.00	49.00	50.00	51.00	52.00
12.....	48.00	48.00	50.00	51.00	52.00	53.00	54.00
12x12.....	49.00	48.00	50.00	51.00	52.00	53.00	54.00
Merchantable:							
8x4.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00
6.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00
8.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00
10.....	43.00	43.00	45.00	46.00	47.00	48.00	49.00
12.....	45.00	45.00	47.00	48.00	49.00	50.00	51.00
4x4.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00
6.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00
8.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00
10.....	43.00	43.00	45.00	46.00	47.00	48.00	49.00
12.....	45.00	45.00	47.00	48.00	49.00	50.00	51.00
6x6.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00
8.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00
10.....	43.00	43.00	45.00	46.00	47.00	48.00	49.00
12.....	45.00	45.00	47.00	48.00	49.00	50.00	51.00
8x8.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00
10.....	43.00	43.00	45.00	46.00	47.00	48.00	49.00
12.....	45.00	45.00	47.00	48.00	49.00	50.00	51.00
10x10.....	43.00	43.00	45.00	46.00	47.00	48.00	49.00
12.....	45.00	45.00	47.00	48.00	49.00	50.00	51.00
12x12.....	45.00	45.00	47.00	48.00	49.00	50.00	51.00
No. 2:							
3x4.....	37.00	37.00	39.00	40.00	41.00	42.00	43.00
6.....	38.00	38.00	40.00	41.00	42.00	43.00	44.00
8.....	39.00	39.00	41.00	42.00	43.00	44.00	45.00
10.....	40.00	40.00	42.00	43.00	44.00	45.00	46.00
12.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00
4x4.....	37.00	37.00	39.00	40.00	41.00	42.00	43.00
6.....	38.00	38.00	40.00	41.00	42.00	43.00	44.00
8.....	39.00	39.00	41.00	42.00	43.00	44.00	45.00
10.....	40.00	40.00	42.00	43.00	44.00	45.00	46.00
12.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00
6x6.....	38.00	38.00	40.00	41.00	42.00	43.00	44.00
8.....	39.00	39.00	41.00	42.00	43.00	44.00	45.00
10.....	40.00	40.00	42.00	43.00	44.00	45.00	46.00
12.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00
8x8.....	39.00	39.00	41.00	42.00	43.00	44.00	45.00
10.....	40.00	40.00	42.00	43.00	44.00	45.00	46.00
12.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00
10x10.....	40.00	40.00	42.00	43.00	44.00	45.00	46.00
12.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00
12x12.....	42.00	42.00	44.00	45.00	46.00	47.00	48.00

ADDITIONS AND DEDUCTIONS PER M'BM TO THE ABOVE PRICES

	5,000 ft. B. M. or over add—	1,000-4,999 ft. B. M. add—
For working:		
1. Crosscutting for one cut.....	\$1.00	\$1.25
Each additional cut.....	.50	.75
2. Crosscutting square to exact length.....	2.00	2.25
3. Ripping, straight for one cut.....	1.00	1.25
Each additional cut.....	.50	.75
4. Ripping, taper.....	2.00	2.25
5. Saw sizing to exact width.....	1.00	1.25
6. Dressing S1S, S2S, S1E, S2E.....	2.00	2.25
7. Dressing S2S1E, S4S, S1S+M, S2S+M, S2S+SL, S2E1S.....	3.00	3.25
8. Any standard dressing and crosscutting to exact length.....	4.00	4.25
For width:		
9. For widths wider than listed: for each inch or fraction thereof over 12"; to 12" price add \$1.00.		
10. Specified fractional widths: price as next wider standard width for which a price is provided and add the ripping charge.		
For length:		
11. For lengths longer than listed: for each 2 ft. or fraction thereof over 24 ft. to 24 ft. price add \$1.00.		
12. Specified fractional lengths longer than 12 ft.: price and compute footage as next longer standard length and add the crosscutting charge.		
13. Specified fractional lengths shorter than 12 ft.: price as shortest multiple for which a price is provided and add the crosscutting charge.		
For thickness:		
14. 2 1/2" thick: compute footage as 2 1/4" and use 3" price.		
15. For thickness greater than listed: for each inch or fraction thereof over 12", add to the 12" price \$1.00.		

TABLE 22—ESTIMATED AVERAGE WEIGHTS FOR NEW YORK, PENNSYLVANIA, MARYLAND, WEST VIRGINIA, KENTUCKY, VIRGINIA, TENNESSEE, NORTH CAROLINA, SOUTH CAROLINA AND GEORGIA HEMLOCK

LUMBER	Rough Lbs. per M'BM 4,000	Dressed Lbs. per M'BM 3,000
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ARTICLE IX—APPENDIX F: OTTAWA VALLEY WHITE AND NORWAY PINE PRICE TABLES

Sec. 33. *Application of Appendix F.* This section applies to white and Norway pine lumber which is shipped to a purchaser in the United States from mills located in that part of the Province of Ontario, east of the 85th meridian, and sold on the specifications and on the grades designated below.

Sec. 34. *Grading rules.* Grade terms used herein have the meaning set forth in the "Official Grading Rules for White Pine and Red or Norway Pine" adopted by the members of the White Pine Bureau, Toronto, Ontario, published July, 1940.

Sec. 35. *Maximum prices.* The maximum price, f. o. b. Niagara Falls, N. Y., for 1,000 feet board measure of Ottawa Valley white pine lumber in a rough air-dried condition shall be as follows:

TABLE 23—WHITE PINE (OTTAWA VALLEY)

C SELECT AND BETTER

Thickness (inches)	Width (inches)	Length (feet)	Price per M BM
1.....	4/6.....	6/9	\$75.50
1.....	6.....	6/9	80.25
1.....	7 and wider.....	6/9	89.25
1 1/4.....	4 and wider.....	6/9	102.75
1 1/2.....	4 and wider.....	6/9	102.75
2.....	4 and wider.....	6/9	102.75
1.....	4/6.....	10/16	87.50
1.....	6.....	10/16	92.00
1.....	7 and wider (av. 8).....	10/16	105.50
1 1/4.....	4/6.....	10/16	112.00
1 1/2.....	4/6.....	10/16	112.00
2.....	4/6.....	10/16	112.00
1 1/4.....	7 and wider (av. 8 1/2).....	10/16	131.75
1 1/2.....	7 and wider (av. 8 1/2).....	10/16	131.75
2.....	7 and wider (av. 8 1/2).....	10/16	131.75
3.....	6 and wider.....	10/16	180.25

D SELECTS

1.....	4/6.....	6/9	\$68.25
1.....	7 and wider.....	6/9	77.50
1 1/4.....	4 and wider.....	6/9	77.50
1 1/2.....	4 and wider.....	6/9	77.50
2.....	4 and wider.....	6/9	77.50
1.....	4.....	10/16	77.50
1.....	6.....	10/16	77.50
1.....	6.....	10/16	80.25
1.....	4/6.....	10/16	78.25
1.....	8.....	10/16	82.75
1.....	10.....	10/16	92.00
1.....	12.....	10/16	110.25
1.....	7 and wider.....	10/16	84.75
1 1/4.....	4/6.....	10/16	85.50
1 1/2.....	7 and wider.....	10/16	105.25
1 1/2.....	4/6.....	10/16	85.50
2.....	7 and wider.....	10/16	105.25
2.....	4/6.....	10/16	89.25
2 1/2.....	7 and wider.....	10/16	107.50
3.....	6 and wider.....	8/16	131.75
3.....	6 and wider.....	8/16	139.25
4.....	6 and wider.....	8/16	143.75

NO. 1 CUTS

1 1/4.....	6 and wider.....	8/16	\$98.25
1 1/2.....	6 and wider.....	8/16	110.50
2.....	6 and wider.....	8/16	110.50

TABLE 22—WHITE PINE (OTTAWA VALLEY)—
Continued

No. 4 common—continued			
Thickness (inches)	Width (inches)	Length (feet)	Price per M ³ BM
1 1/4 x 2 3/4	7	6.16	\$52.75
1 1/4 x 2 3/4	8	6.16	54.13
1 1/4 x 2 3/4	9	6.16	54.75
1 1/4 x 2 3/4	10	6.16	55.00
1 1/4 x 2 3/4	11	6.16	55.00
1 1/4 x 2 3/4	12	6.16	55.00

NO. 5 COMMON			
1	49	615	41.50
1	19 12	615	50.25
14 1 2 3	49	615	41.50
14 1 2 3	19 12	615	50.25

NO. 6 COMMON			
1.	42	016	37.50
1.	4andwider	016	38.25
1.	10andwider	016	39.25
1.	4andwider	016	22.00
2.	4andwider	015	33.25
2.	4andwider	015	41.00
3.	4andwider	015	41.00

TABLE 24—NORWAY PINE—ROUGH (OTTAWA VALLEY)
CLEAR AND CLEAR FACE

Tube Size (inches)	Width (inches)	Length (feet)	Price per MBM
1	40	Card up	\$23.50
1	Card up	Card up	71.50
1	40	Card up	73.00
1	40	Card up	73.00
2	40	Card up	73.00
1	Card up	Card up	82.00
1	Card up	Card up	82.00
2	Card up	Card up	82.00

GRADE: NEGOTIABLE

GRADE: NO. 1 AND NO. 2 CILIZ

ADDITIONS AND DEDUCTIONS PER M'DM TO THE ABOVE PRICES

	5,000 feet B. M.	4,000 feet or less
For working:		
1. Crosscutting, for one cut, add.....	\$1.00	\$1.25
Each additional cut, add.....	.50	.75
2. Crosscutting square to exact non-standard length, add.....	2.00	2.25
3. Ripping, straight for one cut, add.....	1.00	1.25
Each additional cut, add.....	.50	.75
4. Ripping, taper, add.....	2.00	2.25

TABLE 24—NORWAY PINE—ROUGH (OTTAWA VALLEY)—Continued
ADDITIONS AND DEDUCTIONS PER M'BM TO THE ABOVE PRICES—continued

	5,000 feet B. M.	4,000 feet or less
For working:		
5. Saw sizing to exact width, add.....	\$1.00	\$1.25
6. Resawing, straight, 4" and narrower, add.....	2.00	2.25
7. Resawing, straight, 4" and wider, add.....	1.50	1.75
Each additional cut, add.....	.50	.75
8. Resawing, bevel, 4" and narrower, add.....	2.00	2.25
9. Resawing, bevel, wider than 4", add.....	1.50	1.75
Each additional cut, add.....	.50	.75
10. Dressing S1S, S2S, S1E, S2E, add.....	2.00	2.25
11. Dressing, S2S1E, S4S, S1S+M, S2S+SL, S2E1S, S2S+M.....	3.00	3.25
12. Any standard dressing and beading one side, add.....	4.00	4.25
13. Any standard dressing and beading two sides, add.....	4.50	4.75
14. Working to other standard patterns, add.....	5.00	5.25
15. Any standard dressing and crosscutting to exact length, add.....	4.00	4.25
16. Any standard dressing and resawing, add.....	4.00	4.25
17. Resawing one cut and dressing each piece, add.....	4.50	4.75
18. Resawing one cut in center, bevel resawing each piece, and bundling, add.....	5.00	5.25
19. Bundling, add.....	1.00	1.25
20. Bundling, exact specified lengths shorter than 8', add.....	2.00	2.25
For width (White Pine only):		
21. 1 x 7 and wider 10/16 C select and better; for each one inch over 8 inches in average width, add.....	3.00	-----
22. 1 1/4 x 7 and wider 10/16 C select and better; 1 1/2 x 7 and wider 10/16 C select and better; 2 x 7 and wider 10/16 C select and better; for each one inch over 8 1/2 inches in average width, add.....	5.00	-----
For Grade (White Pine only):		
23. B & Better: for 4/4, to the price of C & Better, add.....	10.00	-----
B & Better: for 5/4 and thicker, to the price of C & Better, add.....	15.00	-----
For thickness (Norway Pine only):		
24. Scant thickness: 8/4 scant thickness deduct \$2.00.		-----
For length:		
25. Specified lengths, one length add.....	1.00	-----

TABLE 25—ESTIMATED AVERAGE WEIGHTS FOR OTTAWA VALLEY WHITE AND NORWAY PINE LUMBER

	Rough, lbs. per M'BM	Dressed, lbs. per M'BM
White pine.....	2,500	2,000
Norway.....	3,000	2,500

Sec. 36. *Transportation adjustment.* In the case of shipments of Ottawa Valley white or Norway pine to destinations in the United States other than Niagara Falls, N. Y., the maximum delivered price shall be computed as follows: From the maximum price, f. o. b. Niagara Falls, N. Y., deduct railroad freight from the point of shipment to Niagara Falls, N. Y., and add freight from point of shipment to destination. Freight shall be calculated on the lowest through rate and on the applicable estimated average weights set forth in Table 25 above. The final amount shall be evened out to the nearest quarter of a dollar per M'BM. No additions may be made in the maximum prices for the duty or for any charge of fees incurred in importation.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This regulation shall become effective February 17, 1944, except that:

(a) If lumber has been received before February 17, 1944, by a carrier other than one owned or controlled by the seller, for shipment to a buyer, that shipment is not subject to this revised regulation. It remains subject to the terms of the earlier regulation, Revised Maximum Price Regulation 219.

(b) If this regulation lowers any maximum price below that fixed in the earlier

regulation, contracts that were in existence before the date of issuance of this revised regulation at lawful prices may be completed according to their terms, if delivery is made on or before March 2, 1944.

NOTE: The mere fact that this revised regulation increases some maximum prices does not of itself allow any seller to apply the higher prices to existing uncompleted contracts without the consent of the buyer. The regulation permits the making of certain adjustable pricing agreements to cover such situations. Apart from that, increasing prices in existing uncompleted contracts to the level of increased maximum prices in the regulation is purely a matter of agreement between buyer and seller.

Issued this 11th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2027; Filed, February 11, 1944;
11:24 a. m.]

PART 1499—COMMODITIES AND SERVICES [Rev. SR 14 to GMPR, Amdt. 87]

NEW COMMERCIAL MOTOR VEHICLES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

1. In section 6.3 the text of paragraph (a) preceding subparagraph (1) is amended to read as follows:

(a) *Maximum prices.* To the maximum price of any new commercial motor vehicle, determined in accordance with the provisions of § 1499.2 of the General Maximum Price Regulation, there may be added for each calendar month, or greater part thereof, within the period

*Copies may be obtained from the Office of Price Administration.

from March 1, 1942 up to and including, whichever is earlier, April 30, 1944 or the date of sale of the new commercial motor vehicle:

This amendment shall become effective February 17, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2030; Filed, February 11, 1944;
11:26 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 2—ADJUDICATION, VETERANS' CLAIMS

SERVICE CONNECTION FOR DENTAL DISABILITIES

§ 2.1105 *Required period of service.* Determinations relative to the origin or aggravation in active service of dental conditions will be in accordance with the requirements of § 35.011, paragraph (a) (1) and § 35.012, paragraph (a) (1), respectively, and section 28, Title III, Public No. 141, 73d Congress.

(a) When a period of six months or over of continuous active service during a wartime enlistment which began prior to November 11, 1918, or before the termination of hostilities incident to the present war (World War II), as determined by proclamation of the President or by concurrent resolution of Congress, is shown, service connection may be considered as having been established under the World War Veterans' Act, 1924, as amended, reenacted by Public No. 141, 73d Congress, or § 35.011, paragraph (a) (1), as amended, for World War II service, for any dental disability except such as were recorded at time of enlistment subject to the provisions of § 2.1107 (a), existed prior thereto, or otherwise rebutted, shown to have existed within a year from date of discharge from those periods of service. If the claimant was or is discharged after July 2, 1921, or after the termination of hostilities incident to the present war (World War II), as determined by proclamation of the President or concurrent resolution of Congress, the one year period for the establishment of such service connection will begin on July 2, 1921, or the date of termination of hostilities incident to the present war (World War II) as determined by proclamation of the President or concurrent resolution of Congress. Service connection will not be considered as having been established when the evidence clearly shows that the disabilities or conditions existed or were recorded at the time of enlistment subject to the provisions of § 2.1107 (a) or originated subsequent to discharge from causes not related to service. (February 11, 1944) (Sec. 9, Public No. 144, 78th Cong.)

§ 2.1107 *Service connection where dental disability is not of pensionable or compensable degree.* Determinations relating to the origin or aggravation in active service of dental conditions not of pensionable or compensable degree where claim is made for treatment will be in accordance with § 2.1105, § 2.1106 and current instructions covering service connection and aggravation under § 35.011, as amended. However, the statutory presumption provided in section 200 of the World War Veterans' Act, 1924, as amended, as reenacted by Public No. 141, 73d Congress, or § 35.011, paragraph (b) (1), as amended, as to soundness of condition at time of entrance into active service will not be applicable in cases of dental conditions not of pensionable or compensable degree.

(a) The furnishing of treatment or prosthesis for non-compensable dental conditions during service will not be considered *per se* as aggravation of a dental condition shown to have existed prior to entrance into active service. However, service connection by aggravation will be conceded where a tooth is noted at time of enlistment as defective but was restorable and is extracted during service or where pyorrhea is noted at enlistment but during service necessitates extraction of a tooth or teeth. Conversely, service connection by aggravation will not be conceded if the tooth at enlistment was classified as defective but was not restorable. (February 11, 1944) (Sec. 9, Public No. 144, 78th Cong.)

FRANK T. HINES,
Administrator.

[F. R. Doc. 44-2023; Filed, February 10, 1944;
4:32 p. m.]

PART 3—ADJUDICATION: VETERANS' CLAIMS DISALLOWANCE AND AWARDS

§ 3.1281 *Disappearance of incompetent veterans; payment to dependents—*
(a) *Under § 35.016.* Where an incompetent veteran receiving or entitled to receive pension (compensation) under either § 35.011 or § 35.012, disappears or has disappeared and for ninety days or more thereafter his whereabouts remains unknown to the members of his family and the Veterans' Administration, there will be paid to the dependents of the veteran the amounts authorized for surviving dependents under § 35.011 and § 35.012 respectively, effective as of the day following the discontinuance of the veteran's award, date of veteran's disappearance or April 1, 1935 (effective date of § 35.016), whichever is the later: *Provided*, That in no event will the monthly amount paid to dependents hereunder exceed the amount payable to a veteran at the time of his disappearance; *Provided, further*, That the amounts authorized for surviving dependents of World War veterans under § 35.011 will be the amounts authorized under section 3 of Public No. 304, 75th Congress, from or after the date of its approval, August 16, 1937. On and after August 1, 1939, the amounts for dependents of World War veterans will be those

authorized by section 5, Public No. 198, 76th Congress. On and after September 1, 1941, the rates for the dependents of any veteran entitled under § 35.011, shall be the rates provided by section 5, Public No. 198, 76th Congress. From August 1, 1943, as provided in section 14 (c) of Public No. 144, 78th Congress, the rates for dependents will be those authorized by section 14 (a) and (b) of that act. The provisions of this paragraph are applicable only to the cases of incompetent veterans receiving or entitled to receive pension or compensation under either § 35.011 or § 35.012.

(b) *Under section 8 of Public No. 304, 75th Congress.* Where an incompetent World War veteran receiving or entitled to receive compensation under Public No. 141, 73d Congress, disappears or has disappeared and for ninety days or more thereafter his whereabouts remains unknown to the members of his family and the Veterans Administration, there will be paid to the dependents of the veteran the amount of compensation payable to dependents of deceased veterans who die from war service-connected disabilities as provided in section 3 of Public No. 304, 75th Congress, effective as of the day following the discontinuance of the veteran's award, date of veteran's disappearance, or August 16, 1937, whichever is the later. On and after August 1, 1939, the amounts will be those authorized by section 5, Public No. 198, 76th Congress. From August 1, 1943, as provided in section 14 (c) of Public No. 144, 78th Congress, the rates for dependents will be those authorized by section 14 (a) of that act. However, in no event will the amount paid to dependents hereunder exceed the amount payable to a veteran at the time of his disappearance. (February 16, 1944) (57 Stat. 554-560)

FRANK T. HINES,
Administrator.

[F. R. Doc. 44-2022; Filed, February 10, 1944;
4:32 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office (Appendix)

[Public Land Order 207]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are

hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department for military purposes:

PARCEL NO. 1

Beginning at corner No. 7, U. S. Survey No. 176 about one-half mile northeasterly from Shagway, Alaska.

Thence,

S. 53°15' W., 593.69 ft., to corner No. 8;
S. 13°25' W., 349.10 ft., to corner No. 9;
N. 37°51.5' E., 257.6 ft., to corner No. 7 and the place of beginning, containing 1.53 acres.

PARCEL NO. 2

Beginning at a point on line 2-3, U. S. Survey No. 176, about one-half mile northeasterly from Shagway, Alaska, from which corner No. 2 bears S. 39°03' W. 630 feet.

Thence,

N. 5°33' E., 362.4 ft.;
N. 64°23' E., 362.4 ft.;
S. 39°03' W., 659.0 ft., to the place of beginning, containing 1.13 acres.

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other Department or agency of the Federal Government according to their respective interests, then of record. The lands however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

AEE FORMS.

Acting Secretary of the Interior.

FEBRUARY 3, 1944.

[F. R. Doc. 44-2020; Filed, February 11, 1944;
10:35 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 183-A]

PART 95—CAR SERVICE

INCREASED DEMURRAGE ON REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of February, A. D. 1944.

Upon further consideration of Service Order No. 180 (9 F.R. 1592-99) of February 5, 1944, and good cause appearing therefor: *It is ordered*, That:

Service Order No. 180 (9 F.R. 1592-99) of February 5, 1944, 49 CFR 95.330, providing increased demurrage charges on refrigerator cars loaded with any commodity, be, and it is hereby, suspended until 12:01 a. m., February 16, 1944. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 52 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., February 11, 1944; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the

railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register. By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-2080; Filed, February 11, 1944;
11:39 a. m.]

[S. O. 181]

PART 95—CAR SERVICE

RESTRICTIONS ON RECONSIGNMENT AND DIVERSION OF POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 9th day of February, A. D. 1944.

It appearing, that potatoes, other than sweet, loaded in refrigerator cars are being reconsigning or diverted unnecessarily, thus impeding and diminishing the use, control, supply, movement, distribution, exchange, interchange, and return of such cars; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of equipment and congestion of traffic.

It is ordered, That:

§ 95.331 Potatoes other than sweet—

(a) *Restrictions on reconsigning and diversion.* No common carrier by railroad subject to the Interstate Commerce Act shall allow or permit any refrigerator car loaded with potatoes, other than sweet,

(i) To be reconsigning or diverted more than two (2) times before arrival at destination (or switching limits thereof), or

(ii) To have at destination (or within the switching limits thereof), more than one (1) change in the name of consignor or consignee; more than one (1) change in place of unloading, or both if included in a single order.

(b) *Exception.* A change in the name of consignor or consignee en route without a change in the route or destination of the car.

(c) *Service orders.* (1) The operation of Service Order No. 70 (8 F.R. 8515) of February 3, 1942, as amended (8 F.R. 8515) insofar as it applies to any refrigerator car loaded with potatoes, other than sweet, is hereby suspended.

(2) The provisions of this order shall not be construed to affect the provisions of Service Order No. 70A (8 F.R. 14624-25) of October 22, 1943, or Corrected Service Order No. 112 (8 F.R. 2889) of March 3, 1943, as amended (8 F.R. 4488).

(d) *Application.* (1) The provisions of this order shall apply to intrastate commerce as well as to interstate commerce:

(2) The provisions of this order shall apply only to shipments originating on

or after the effective date of this order except that where a shipment has been unloaded under a transit arrangement the provisions of this order shall apply to such shipment if loaded at the transit point on or after the effective date of this order.

(e) *Tariff provisions suspended.* The operation of all tariff rules, regulations, or charges insofar as they conflict with the provisions of this order is hereby suspended.

(f) *Announcement of suspension.* Each railroad, or its agent, shall file and post a supplement to each of its tariffs affected hereby, substantially in the form authorized in Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

(g) *Expiration notice.* This order shall expire at 12:01 a. m., April 11, 1944, unless otherwise changed, extended, or vacated. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., February 11, 1944; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-2001; Filed, February 10, 1944;
1:53 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Mines.

H. O. ERI

ORDER REVOKING LICENSES, DIRECTING SURRENDER OF LICENSES AND REQUIRING RECORDS TO BE FURNISHED

In the matter of licensee H. O. Eri, R. 1, Boring, Oregon. Proceedings for revocation of license.

Based upon the records in this matter, I make the following findings of fact:

1. On January 12, 1944, a specification of charges against you, setting forth violations of the Federal Explosives Act (55 Stat. 863), as amended, and the regulations pursuant thereto of which you were accused, was mailed to you giving you notice to mail an answer within 15 days from January 12, 1944, answering the charges against you and requesting an oral hearing if you wished.

2. More than 25 days have elapsed since January 12, 1944. The length of time required for mail to be delivered to the Bureau of Mines, Washington, D. C. from Boring, Oregon, does not exceed 7 days. The only communication received from you was your answer dated January 25, 1944. That answer neither denied the charges against you nor requested an oral hearing.

3. The charges against you are true. Now, therefore, by virtue of the authority vested in me by the Federal Explosives Act and the regulations pursuant thereto, I hereby order

1. That all licenses issued to you under the Federal Explosives Act be and they are hereby revoked at the expiration of three weeks from the date of this order;

2. That within three weeks from the date of this order you shall sell or otherwise dispose of, to properly licensed persons, or destroy, all explosives and ingredients of explosives owned or possessed by you or consigned to you or which are in your custody;

3. That, after having sold or otherwise disposed of or having destroyed all of the explosives and ingredients as required by paragraph 2 of this order, you shall, within three weeks from the date of this order, deliver or mail to L. H. McGuire, Engineer in Charge, United States Bureau of Mines, 233 Federal Office Building, Seattle 4, Washington, a sworn statement of your transactions and destructions of explosives and ingredients of explosives, beginning with the date of this order and ending with the final sale or other disposition or with the destruction of the explosives and ingredients as required above. The statement shall set forth the amount of each kind of explosives and ingredients of explosives which you had on hand at each location at the opening of business on the date of this order, the amount of each kind acquired by you that day and each day thereafter, the dates on which acquired, the names and addresses of the persons from whom acquired, the amount of each kind sold or otherwise disposed of by you, the dates on which sold or otherwise disposed of, the names and addresses and the numbers and dates of Federal explosives licenses of the persons to whom sold or otherwise disposed of, the amount of each kind destroyed by you, the dates on which destroyed and the places where destroyed.

4. That within three weeks from the date of this order you shall surrender all licenses issued to you under the Federal Explosives Act, and all copies thereof, by mailing or delivering them to L. H. McGuire, Engineer in Charge, United States Bureau of Mines, 233 Federal Office Building, Seattle 4, Washington.

Failure to comply with any of the provisions of this order will constitute a violation of the Federal Explosives Act punishable by a fine of not more than \$5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

This order shall be published in the FEDERAL REGISTER.

Dated at Washington, D. C., this 7th day of February 1944.

R. R. SAYERS,
Director.

[F. R. Doc. 44-2025; Filed, February 11, 1944;
10:35 a. m.]

Coal Mines Administration.

[Order CMA-19]

B. F. GOODRICH CO.

ORDER TERMINATING GOVERNMENT POSSESSION

I have been advised that no strikes or stoppages have occurred since October 25 or are threatened in the coal mines of The B. F. Goodrich Company, Akron, Ohio. Based on such advice, and after consideration of all the circumstances, I find that the possession by the Government of such mines is not required for the furtherance of the war program.

Accordingly, I order and direct that the possession by the Government of the mines of The B. F. Goodrich Company, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines be, and it is hereby, terminated and that there be conspicuously displayed at those mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE: Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Government from requiring the submission of information relating to operations during the period of Government possession as provided in section 40 of the regulations for the operation of coal mines under Government control, as amended (8 F.R. 6655, 10712, 11344), for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9393 (8 F.R. 14877) may be concluded in an orderly manner; and *Provided further*, That except as otherwise ordered, the appointment of the operating manager for the mines of said company shall continue in effect.

ABE FORTAS,

Acting Secretary of the Interior.

FEBRUARY 10, 1944.

[F. R. Doc. 44-2062; Filed, February 11, 1944;
11:42 a. m.]

DEPARTMENT OF AGRICULTURE.

Bureau of Entomology and Plant Quarantine.

PINK BOLLWORM QUARANTINE

NOTICE OF PUBLIC HEARING TO CONSIDER
ADVISABILITY OF EXTENDING TO LOUISIANA

FEBRUARY 10, 1944.

The Secretary of Agriculture has information that the pink bollworm (*Pec-*

tinophora gossypiella Saunders), a dangerous insect not heretofore widely distributed within or throughout the United States, but known to exist in portions of Texas, New Mexico, and Arizona, has recently been discovered in certain parts of Louisiana.

It appears necessary, therefore, to consider the advisability of revising the quarantine on account of this insect (B. E. P. Q.—Q. 52; 7 CFR 301.52) to include the State of Louisiana and of prohibiting or restricting the interstate movement from that State or areas therein where the bollworm has been discovered, of (1) cotton, including all parts of cotton plants, seed cotton, cotton lint, linters, and all other forms of unmanufactured cotton products; (2) bagging and other containers and wrappers of cotton and cotton products; (3) railway cars, boats, and other vehicles which have been used in conveying cotton or cotton products or which are contaminated with such products; (4) farm products, farm household goods, farm equipment, and any other articles if contaminated with unmanufactured cotton products.

Notice is hereby given that, in accordance with the Plant Quarantine Act of August 20, 1912 (37 Stat. 315; 7 U.S.C. 161), as amended, a public hearing will be held before the Bureau of Entomology and Plant Quarantine in the assembly hall of the Federal Building, Memphis, Tenn., at 10:00 a. m. on March 1, 1944, in order that any person interested in the hearing to consider the advisability of extending the quarantine may appear and be heard either in person or by attorney.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 44-2046; Filed, February 1, 1944;
11:32 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-489]

CITIES SERVICE GAS COMPANY

NOTICE OF APPLICATION

FEBRUARY 10, 1944.

Notice is hereby given that on February 4, 1944, Cities Service Gas Company (hereinafter referred to as "applicant") filed with the Federal Power Commission an application seeking a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing applicant to operate a 26-inch natural gas main transmission line approximately 231 miles in length extending in an easterly direction from a point near Guymon, Texas County, Oklahoma in the Hugoton gas field to the applicant's Blackwell compressor station in Kay County, Oklahoma, together with appurtenant facilities. The pipe line and facilities are now under construction pursuant to the Commission's authorization issued in this matter on September 30, 1943, to Cities Service Transportation and Chemical Company.

Pursuant to a proposed lease agreement with Cities Service Transportation and Chemical Company, which has been

submitted for the Commission's prior approval, applicant proposes to operate the new facilities as an integral part of its existing pipeline system.

Any person desiring to be heard or to make any protest with reference to this application should, on or before February 28, 1944, file with the Federal Power Commission a petition or protest in accordance with the rules of practice and regulations of the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-2024; Filed, February 11, 1944;
10:35 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5130]

AUSTELLE-FLINTOM CO.

NOTICE OF HEARING

In the matter of Wallace T. Austelle and John W. Flintom, partners, doing business under the name and style of Austelle-Flintom Company.

Complaint. The Federal Trade Commission, having reason to believe that the parties respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, have violated and are now violating the provisions of subsection (c) of section 2 of the Clayton Act, as amended by the Robinson-Patman Act, approved June 19, 1936 (U. S. C. Title 15, section 13), hereby issues its complaint stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondents Wallace T. Austelle and John W. Flintom are partners doing business under the name and style of Austelle-Flintom Company, having their principal office and place of business located in the Atlantic Coast Line Warehouse, on Dukes Avenue, in Orangeburg, South Carolina. Respondents are engaged in the business of purchasing canned fruits and vegetables, citrus juices, sugar, rice, beans, salt, and other miscellaneous commodities for their own account, and of reselling the same to jobbers, wholesalers, retail chain stores and other purchasers.

Since June 19, 1936, respondents have made many purchases of such commodities for their own account for resale as aforesaid from sellers located in states other than the State of South Carolina, pursuant to which purchases such commodities have been shipped and transported by sellers from the respective states in which they are located across state lines either to respondents or, pursuant to instructions and directions from respondents, to the respective purchasers to whom such commodities have been resold by respondents.

Since June 19, 1936, respondents have also made many purchases of such commodities for their own account as aforesaid from sellers located in the State of South Carolina, which sellers, pursuant to instructions and directions from respondents, have caused the commodities so purchased by respondents to be shipped and transported from the State of South Carolina across State lines to the respective purchasers to whom such

commodities have been resold by respondents.

PAR. 2. Since June 19, 1936, in connection with the purchases of such commodities by respondents for their own account in interstate commerce as aforesaid, respondents have received and accepted, directly or indirectly, from sellers brokerage fees and commissions or allowances and discounts in lieu thereof in substantial amounts.

PAR. 3. Since June 19, 1936, respondents have resold such commodities purchased for their own account as set forth in paragraphs 1 and 2 hereof to purchasers located in States other than the State of South Carolina, pursuant to which sales respondents have caused such commodities to be shipped and transported across state lines to such purchasers.

Since June 19, 1936, in connection with the resale of such commodities in interstate commerce as aforesaid, respondents have granted and allowed, directly or indirectly, brokerage fees and commissions or allowances and discounts in lieu thereof in substantial amounts to the purchasers of such commodities.

PAR. 4. The receipt and acceptance of brokerage fees and commissions or allowances and discounts in lieu thereof from sellers by respondents upon the purchases of commodities by the respondents, as set forth herein, and also the granting and allowing of brokerage fees and commissions or allowances and discounts in lieu thereof by respondents to purchasers upon the resale of commodities by respondents as set forth herein, are in violation of subsection (c) of section 2 of the Clayton Act, as amended.

Wherefore, the premises considered, the Federal Trade Commission on this 7th day of February, A. D. 1944, issues its complaint against said respondents.

Notice. Notice is hereby given you, Wallace T. Austelle and John W. Flinton, partners, doing business under the name and style of Austelle-Flinton Company, respondents herein, that the 17th day of March, A. D. 1944, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The rules of practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file

with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 7th day of February, A. D. 1944.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-2028; Filed, February 11, 1944;
11:19 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 53]

POTATOES

PERMISSION TO DISREGARD RECONSIGNMENT PROVISIONS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, February 5 or 6, 1944, by Christ Hansen Company of car WFE 62688, potatoes, now on the Chicago and Northwestern Railroad to St. Louis, Missouri.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice

of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2002; Filed, February 10, 1944;
1:53 p. m.]

[S. O. 70-A, Special Permit 54]

POTATOES

PERMISSION TO DISREGARD RECONSIGNMENT PROVISIONS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at St. Louis, Missouri, not later than February 8, 1944, by Edward H. Anderson Company of car ART 22320, potatoes, now on the Illinois Central Railroad, to Little Rock, Arkansas.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2003; Filed, February 10, 1944;
1:53 p. m.]

[S. O. 70-A, Special Permit 55]

POTATOES

PERMISSION TO DISREGARD RECONSIGNMENT PROVISIONS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, not later than February 8, 1944, by Christ Hansen Company of car OX 50115, potatoes, now on the Wood Street Terminal, Chicago, (C&NW) to Cincinnati, Ohio.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2004; Filed, February 10, 1944;
1:53 p. m.]

[S. O. 70-A, Special Permit 56]

POTATOES

PERMISSION TO DISREGARD RECONSIGNMENT PROVISIONS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Philadelphia, Pennsylvania, not later than February 9, 1944, by F. H. Vahising, Inc. of car ART 23970, potatoes, now on the Pennsylvania Railroad, to Quick and Company, Richmond, Virginia.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2005; Filed, February 10, 1944;
1:53 p. m.]

[S. O. 70-A, Special Permit 57]

CELERY

PERMISSION TO DISREGARD RECONSIGNMENT PROVISIONS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois,

February 8 or 9, 1944, by Schoenberg Price and Company of car PFE 93734, celery, now at the Chicago Produce Terminal, to J. E. Corcoran, Pittsburgh, Pennsylvania.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2006; Filed, February 10, 1944;
1:53 p.m.]

[S. O. 70-A, Special Permit 58]

POTATOES

PERMISSION TO DISREGARD RECONSIGNMENT PROVISIONS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, February 8 or 9, 1944, by Christ Hansen Company of car MDT 17321, potatoes, now at the Wood Street Terminal (C&NW) to Spring Valley, Illinois.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2007; Filed, February 10, 1944;
1:53 p. m.]

[S. O. 70-A, Special Permit 59]

CELERY

PERMISSION TO DISREGARD RECONSIGNMENT PROVISIONS

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of

Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, February 8 or 9, 1944, by M. Lapidus Sons of car SFRD 4739, celery, now at the Chicago Produce Terminal to Detroit, Michigan.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2008; Filed, February 10, 1944;
1:54 p. m.]

[S. O. 164, General Permit 9]

CITRUS FRUITS

RELING IN TRANSIT

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To relce once in transit to full bunker capacity at any point in the States of Arizona, Arkansas, Louisiana, New Mexico, Oklahoma, Texas, Kansas or Missouri, or at Council Bluffs, Iowa, Memphis, Tennessee, or Jackson, Mississippi, refrigerator cars loaded with citrus fruits originating in Arizona, California and Texas. This relcing shall be in addition to the replenishing service at the first regular icing station, provided in Amended General Permit No. 8 Under Service Order No. 164.

The waybills shall show reference to this general permit.

This permit shall become effective at 12:01 a. m., February 9, 1944, and shall expire at 12:01 a. m., March 1, 1944.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 8th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2009; Filed, February 10, 1944;
1:54 p. m.]

[S. O. 164, General Permit 11]

TEMPLE, KING, OR CLEMENTINE ORANGES

PERMISSION TO ACCORD STANDARD
REFRIGERATION

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To accord standard refrigeration to refrigerator cars loaded with straight carloads of temple, king or clementine oranges, originating at any point or points in the State of Florida, moving to destinations in official and western classification territories and western Canada, provided the waybills make reference to this permit.

This permit shall become effective at 12:01 a. m., February 9, 1944, and shall expire at 12:01 a. m., April 1, 1944.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 8th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2010; Filed, February 10, 1944;
1:55 p. m.]

[S. O. 173, Special Permit 1]

TRANSIT OR NON-TRANSIT CARLOAD FREIGHT
SHIPPERS' OR CARRIERS' ROUTING

Pursuant to the authority vested in me by paragraph (d) of the first ordering paragraph (§ 97.10, 9 F.R. 222) of Service Order No. 173 of January 4, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To accept shippers' or carriers' routing and to route in accordance therewith any shipment of transit or non-transit carload freight from Monroe or West Monroe, Louisiana, to destinations east of the Mississippi River by way of any route on or north of the Illinois Central Railroad Company (YMV) from Monroe or West Monroe, Louisiana, to Ruston, Louisiana, on or east of the Chicago, Rock Island and Pacific Railroad Company from Ruston, Louisiana, to Little Rock, Arkansas, on or east of the Missouri Pacific Railroad Company from Little Rock to St. Louis, Missouri.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with

the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of February 1944.

HOMER C. KING,
Director, Bureau of Service

[F. R. Doc. 44-2014; Filed, February 10, 1944;
1:55 p. m.]

[S. O. 178, Special Permit 16]

LARD

PERMISSION TO DISREGARD CERTAIN LOADING
PROVISIONS

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 178 insofar as it applies to the loading of three (3) refrigerator cars with lard by John Morrell Company, Ottumwa, Iowa, and the movement of the three refrigerator cars so loaded from that point to New Orleans, Louisiana, for export, not later than February 11, 1944, (Routed Burlington).

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2011; Filed, February 10, 1944;
1:55 p. m.]

[S. O. 178, Special Permit 17]

LARD

PERMISSION TO DISREGARD CERTAIN LOADING
PROVISIONS

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 178 insofar as it applies to the loading of six (6) refrigerator cars with lard by Rath Packing Company, Waterloo, Iowa, and the movement of the six refrigerator cars so loaded from that point to New Orleans, Louisiana, for export, not later than February 11, 1944. (Routed I. C.)

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice

of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2013; Filed, February 10, 1944;
1:55 p. m.]

[S. O. 178, Special Permit 18]

CHEESE

PERMISSION TO DISREGARD CERTAIN LOADING
PROVISIONS

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 178 insofar as it applies to the loading of three (3) refrigerator cars with mixed shipments of cheese in bulk package and glass by Kraft Cheese Company at Freeport, Illinois, and the movement of the three cars so loaded from that point to Jersey City, New Jersey, to Denison, Texas, and multiple to Kansas City, Missouri-Kansas and Denver and Pueblo, Colorado on February 10, 1944. The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 8th day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2013; Filed, February 10, 1944;
1:55 p. m.]

OFFICE OF ALIEN PROPERTY CUS-
TODIAN.

[Vesting Order 2966]

KALLE AND CO.

In re: Interest of Kalle & Company in an agreement with The Visking Corporation relating to Patent No. 2,136,566.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Kalle & Company is a joint stock company organized under the laws of Germany and is a national of a foreign country (Germany);

2. That the property described in subparagraph 3 hereof is property of Kalle & Company;

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Kalle & Company by virtue of an agreement dated May 18, 1931 (including all modifications thereof and supplements thereto, if any) by and between The Visking Corporation and Kalle & Company, relating, among other things, to certain United States Letters Patent, including Patent No. 2,136,566.

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 15, 1944.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1948; Filed, February 10, 1944;
11:04 a. m.]

WAR FOOD ADMINISTRATION.

Commodity Credit Corporation.

OFFER IN CONNECTION WITH PURCHASE AND SALE OF AMERICAN CHEDDAR CHEESE IN U. S.

1. The Commodity Credit Corporation (hereinafter called "Commodity"), a corporate agency of the United States, hereby offers, subject to the terms and conditions hereinafter specified, to purchase American Cheddar cheese from any manufacturer thereof (hereinafter called the "manufacturer") in the con-

tinental area of the United States, and to sell such cheese to such manufacturer.

2. Commodity will purchase from any manufacturer (a) all American Cheddar cheese produced by such manufacturer (i) during the month of February 1944, and (ii) during such subsequent months, until and including December 1944, as Commodity may designate, and (b) all American Cheddar cheese produced by such manufacturer and held at his plant at the close of business on January 31, 1944, on which claims for payment have not been and will not be submitted in accordance with the "Offer of Commodity Credit Corporation in Connection with the Purchase and Sale of American Cheddar Cheese in the United States," dated December 5, 1942, and the extension thereof dated February 1, 1944. The price to be paid for such cheese shall be twenty-seven cents per pound in the case of cheese with a moisture content of more than thirty-five and one-quarter percent, and twenty-seven and one-half cents per pound in the case of cheese with a moisture content of thirty-five and one-quarter percent or less. Such purchase prices will be paid in the manner prescribed in section 5 of this offer. The weight and moisture content of cheese purchased by Commodity hereunder shall be determined by the weight and moisture content of the cheese at the time it is received from the manufacturer by a receiver or at the time the manufacturer becomes the receiver.

3. Commodity will sell to each manufacturer all such cheese purchased from him pursuant to section 2 of this offer at twenty-three and one-quarter cents per pound. Such sale price shall be paid in the manner prescribed in section 5 of this offer.

4. Purchases by Commodity hereunder shall be deemed to be made at the time the American Cheddar cheese is produced by the manufacturer, and sales by Commodity hereunder shall be deemed to be made immediately thereafter.

5. Settlement hereunder for American Cheddar cheese purchased from, and sold by Commodity to, the manufacturer shall be made on a monthly basis. Claims against Commodity for payment of the difference between the purchase price payable by Commodity under section 2 of this offer, and the sale price payable to Commodity under section 3 of this offer on the quantity of cheese purchased from and sold to the manufacturer during the month covered by such claims shall be presented by the manufacturer to Dairy Products Marketing Association, Inc., which has been designated to receive such claims for and on behalf of Commodity. Such claims shall be submitted on or before the last day of the month following the month covered by such claims. The claims submitted hereunder for cheese produced by the manufacturer during February 1944, shall also cover the cheese on hand at the manufacturer's plant at the close of business on January 31, 1944, purchased by Commodity pursuant to section 2 (b) of this offer. Claims shall be supported by:

(a) Dairy Products Report No. 1 (U.S.D.A. Form No. C. E. 9-119) applicable to the month for which the claim is submitted. This form is currently required to be submitted to the

United States Department of Agriculture, P. O. Box 6310-A, Chicago, Illinois, pursuant to Food Distribution Order 15, and such submission shall also satisfy the requirements of this subsection.

(b) When required, a certified statement by each Receiver of American Cheddar cheese showing the quantities, weight, and moisture content of cheese received from the manufacturer during such month.

The documents (including statement of claim) presented pursuant to this offer shall be in such form and contain such certifications as Commodity may prescribe. The manufacturer shall keep books and records sufficient to show the information set forth above and all additional information which may be required by Commodity, and shall permit inspection of his books, records, and accounts and of his stocks of American Cheddar cheese by Commodity.

6. The manufacturer shall distribute to milk producers who supplied whole milk to a plant during any month with respect to which claim is submitted hereunder an amount equal to the difference between the purchase price payable by Commodity under section 2 of this offer, and the sale price payable to Commodity under section 3 of this offer for cheese purchased and sold during such month. Except as Commodity may otherwise direct, such payments shall be distributed pro rata among the milk producers on the basis of the amount otherwise paid to the producers for whole milk delivered to such plant during such month. All such payments shall be in addition to the payments producers would otherwise receive for whole milk. The manufacturer shall give to each producer a written statement of the amount of the payment being made to him in consequence of this offer. If the manufacturer received whole milk at his cheese plant from another plant or milk receiver, the manufacturer shall arrange for similar payment to the producers supplying whole milk to such other plant or milk receiver. The manufacturer shall furnish proof of such payments to producers in such form and at such time as Commodity or its duly authorized agent may prescribe. Notwithstanding the foregoing provisions of this section, if the manufacturer is a handler under any order issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, regulating the handling of milk in any marketing area, he shall not be required to distribute payments received from Commodity on cheese manufactured from milk received from producers whose milk is covered by such order (payments to producers of other milk to be made as otherwise provided in this section 6).

7. An amount equal to the total amount payable to the manufacturer by Commodity under the foregoing sections of this offer shall be set aside by the manufacturer as a trust fund for the benefit of the milk producers described in section 6 hereof. Any portion of such amount which the manufacturer has not distributed to the milk producers entitled thereto within sixty days after the receipt of payment hereunder shall, at such time as may be directed by Commodity or its duly authorized agent, be paid to Commodity.

8. The manufacturer shall pay to Commodity 3.8 cents per pound of American Cheddar cheese and processed American Cheddar cheese, as defined in Food Distribution Order No. 15, as amended, sold by him to any of the following government agencies during the effective period of any regulation of the Office of Price Administration establishing maximum prices for sales of such cheese to such agencies equal to the maximum prices on other sales of such cheese plus 3.8 cents per pound:

- (a) War Food Administration and any agency thereof (including Dairy Products Marketing Association, Inc., acting for the War Food Administration)
- (b) U. S. Army Quartermaster Market Centers (including Field Headquarters) and U. S. Army Quartermaster Depots
- (c) U. S. Navy Market Offices

The acceptance of this offer by any manufacturer shall constitute his authorization to any such Government agency to deduct 3.8 cents per pound from the purchase price of the cheese so sold and to pay such 3.8 cents to Commodity on his behalf, and shall constitute his ratification of the action of any such Government agency in making such deduction and payment on his behalf. Unless such Government agencies shall have made such deduction, payment of the amount due under this section on cheese sold to such Government agencies shall be made by the manufacturer directly to Commodity not later than five days after payment of the purchase price to the manufacturer by such Government agencies. The manufacturer shall keep complete and accurate books, records and accounts with respect to all American Cheddar cheese and processed American Cheddar cheese sold by him to such Government agencies, and shall furnish to Commodity such information and reports relating to such sales as Commodity may from time to time request. Notwithstanding the foregoing provisions of this section 8, the manufacturer shall not be required to make payment to Commodity pursuant to this section with respect to any such cheese for which he is obligated to pay, and makes payment of, to Commodity under Food Distribution Order No. 15, as amended, 3.8 cents per pound.

9. Payments shall not be made to the manufacturer if he has been determined by the agency responsible for the administration of the order not to be in compliance with any order issued by any officer or agency of the United States relating to the conservation, limitation, setting aside or allocation of cheese, or the procurement of cheese by the United States, or if he has been determined not to be in compliance with any order issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, regulating the handling of milk in any marketing area.

10. Any manufacturer who intends to accept this offer, and any extension hereof, by performing the acts herein set forth shall, on or before filing the first claim for payment hereunder, notify Dairy Products Marketing Association, Inc., of such intention, but no such notification,

in the absence of the performance of such acts, shall constitute an acceptance of this offer or create any obligation of Commodity to such manufacturer.

11. This offer, or any extension hereof, may be partially or wholly revoked or modified by Commodity with respect to any manufacturer at any time upon notice to such manufacturer, or with respect to all manufacturers, by Commodity's giving public notice of such revocation or modification. Such public notice, and the notice referred to in section 2 (a) (ii) hereof may be given by press release or by filing of the notice with the Division of the Federal Register of the National Archives. Notwithstanding any such revocation or modification, settlement will be made as provided in Section 5 hereof with respect to any cheese purchased and sold hereunder prior to such revocation or modification and as provided in Section 8 hereof with respect to cheese sold to Government agencies.

12. Except as may be otherwise directed by Commodity any amounts owing by the manufacturer to Commodity under this offer may be offset against any amounts owing by Commodity to the manufacturer under this offer, and vice versa.

13. For the purpose of this offer, the following terms are defined as follows:

(a) "Dairy Products Marketing Association, Inc." means the corporation of that name organized under the laws of Delaware on May 7, 1938, whose principal place of business is 110 North Franklin Street, Chicago, Illinois.

(b) "American Cheddar cheese" means Cheddar cheese as defined by the Food and Drug Administration regulations, appearing in the FEDERAL REGISTER, Vol. 6, pp. 195-6 (21 CFR § 19.500).

(c) "Receiver" means the dealer, assembler, or local buyer or other person to whom, or through whom, cheese is sold, or marketed, or to whom cheese is consigned or delivered for curing or storage: *Provided*, That, with respect to a manufacturer customarily storing and curing cheese for longer than four weeks or customarily processing cheese, such manufacturer shall be deemed to become the receiver of all cheese so stored, cured, or processed, on the fourth day following the manufacture of such cheese.

14. No member of or delegate to the Congress of the United States shall be admitted to any share or part of this offer or to any benefit to arise herefrom but this provision shall not be construed to extend to benefits arising from this offer if accruing to a corporation.

15. The reporting and record-keeping requirements of this offer have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

[SEAL]

J. B. HUTTON,
President.

FEBRUARY 10, 1944.

Attest:

NORINE J. FAUBLE,
Assistant Secretary

[F. R. Doc. 44-2047; Filed, February 11, 1944;
11:32 a. m.]

WAR PRODUCTION BOARD.

A. J. GRAVES

CONSENT ORDER

A. J. Graves, of Greenwich, Connecticut, building contractor, is charged by the War Production Board with violations of Conservation Order L-41, by beginning and continuing construction on the following residential projects, without authorizations, each of an estimated cost in excess of two-hundred dollars, which is the maximum amount permitted under Conservation Order L-41: (1) a dwelling on Mayfair Lane, Greenwich, on which construction was begun about July 1, 1943; (2) a dwelling on Bush Avenue, Bella Haven, Greenwich, on which construction was begun in the spring of 1943; (3) a dwelling at 302 Betsy Brown Road, Port Chester, New York, on which construction was begun in the spring of 1943. A. J. Graves admits the violations as charged, and does not desire to contest the willfulness of the same, and he has consented to the issuance of this order.

Wherefore, upon the agreement and consent of A. J. Graves, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered, That:*

(a) For a period of four months from the effective date of this order, deliveries of material on orders or contracts placed directly or indirectly by A. J. Graves, his successors or assigns shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied, or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) For a period of four months from the effective date of this order, no allocation or allotment shall be made to A. J. Graves, his successors or assigns, of any material or product the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve A. J. Graves, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on the 10th day of February, 1944.

Issued this 3d day of February 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2021; Filed, February 10, 1944;
4:26 p. m.]